



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.761 of 2026

Rajkishore Biswal and others

.....

Petitioners

Represented by Adv. -
Pronoy Mohanty

-versus-

Ratnakar Behera

.....

Opposite Party

Represented by Adv. -

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

06.05.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
3. The judgment-debtor in Execution Proceeding No.01 of 2026 arising out of C.S. No.08 of 2016 pending in the Court of learned Addl. Civil Judge (Junior Division), Ranpur has approached this Court for stay of the pending Execution Proceeding till disposal of the final decree proceeding in C.S. No.21 of 2017 now pending before the learned Addl. Civil Judge (Junior Division), Ranpur.
4. On perusal of the application filed by the Petitioner, it appears that instead of approaching the learned trial Court under Order 21 Rule 26 of the CPC, the Petitioner has directly



approached this Court by filing the present CMP application under Article 227 of the Constitution of India.

5. In view of the aforesaid factual position, this Court is not inclined to entertain this application holding that the same is not maintainable. While disposing of the CMP application, this Court observes that it is open to the Petitioner to approach the learned trial Court by filing an application under Order 21 Rule 26 of CPC. In the event any such application is filed, the same shall be considered strictly in accordance with law and on its own merit without being influenced with the observation made by this Court hereinabove. In the event, any such application is filed and the same shall be disposed of as expeditiously as possible after providing opportunity to both sides.

6. With the aforesaid observation and direction, the CMP application stands disposed.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 11-May-2026 10:04:55

