



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.734 of 2026

***Chandra Sekhar Sahoo @
Baina***

.....

Petitioner

Represented by Adv. -
Pravat Ranjan Sutar

-versus-

Babaji Charan Prusty & Ors.

.....

Opposite Parties

Represented by Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

Order No.

05.05.2026

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application under Article 227 of the Constitution of India, the Appellant in RFA No.91 of 2026 pending before the learned District Judge, Kendrapara, has approached this Court with a prayer for direction to the learned Civil Judge, (Junior Division), Kendrapara, who is the Executing Court, keep in abeyance the execution case No.8 of 2020 till admission of RFA No.91 of 2026.
4. Learned counsel for the Petitioner at the outset contended that the abovenoted first appeal arises out of C.S. No.66 of 2001 which was disposed of by the learned Civil Judge, (Junior Division), Kendrapara. Being aggrieved by the judgment and decree the



defendant-Petitioner preferred an appeal which is pending before he learned District Judge, Kendrapara, however in the absence of any presiding officer in the Court of learned District Judge, Kendrapara, the appeal has not been taken up for admission. He further submitted that in the meantime, the plaintiff decree holder has already instituted an execution case and the learned executing court is proceeding with the execution case. Although the appeal of the Petitioner has not been taken up for admission due to non-availability of the Presiding Officer in the Appellate Court. Learned counsel for the Petitioner further contended that unless the execution case is deferred, the appeal filed before the learned 1st Appellate Court would become infructuous due to no fault of the Appellant.

5. Taking into consideration the aforesaid factual background, this Court deems it proper to dispose of the present CMP application by directing the learned executing court to adjourn the execution proceeding for a period of eight weeks on an application being filed by the Petitioner along with a copy of today's order.

6. With the aforesaid observations and directions, the CMP application stands disposed of.

(A.K. Mohapatra)

Judge

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