



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.785 of 2026

***Bhaskar Chandra Dash @
Panda***

.....

Petitioner

Represented By Adv. –
Mr. Amitav Tripathy

-versus-

***Manoj Kumar Dash @ Panda
and others***

.....

Opposite Parties

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

Order No.

ORDER

08.05.2026

01.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Head the learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. The Plaintiff in C.S. No.29 of 2021 pending in the court of learned Civil Judge (Senior Division), Khandapara has approached this Court by filing the present CMP application under Article 227 of the Constitution of India thereby challenging the impugned order dated 09.04.2026 passed by the Executing Court, i.e. learned Civil Judge (Senior Division), Khandapara in Execution Case No.14 of 2025, arising out of Civil Suit No.7/56 of 2002/1999.



4. By virtue of the impugned order dated 09.04.2026, the application of the Petitioner under Order-1, Rule-10(2) of C.P.C. has been rejected by the learned Executing Court.

5. Learned counsel for the Petitioner, at this juncture, contended that although on a portion of suit scheduled Plot No.932 measuring a total area of Ac.1.400 decimals i.e. to the extent of 0.68 decimals, there is a status quo order in the subsequent suit, however, while executing the decree in the earlier suit, the executing court proceeded with the entire property including one in respect of which the Petitioner has already been protected by the learned Civil Judge (Senior Division), Khandapara in the subsequent suit. To bring such fact to the notice of the learned executing court, the Petitioner moved an application under Order-1 Rule-10(2) of the C.P.C. However, such application has been rejected by the learned trial court considering the Petitioner to be a stranger to the suit and, as such, his application for implead him as a party to the executing proceeding could not have been entertained by the executing court.

6. Considering the submission made by the learned counsel for the Petitioner and on a careful scrutiny of the interim order dated 09.04.2026 at Annexure-1, this Court is of the view that the matter requires further examination in presence of the Opposite Party No.1.

7. Hence, issue notice to the Opposite Party No.1 by Speed Post with A.D. by fixing a short returnable date.



Requisites shall be filed within a week hence.

8. Notice to Opposite Parties No.2 to 8 is dispensed with at the risk of the Petitioner.

9. List this matter in the week commencing 29th June, 2026.

I.A. No.822 of 2026

10. Heard the learned counsel for the Petitioner.

11. As an interim measure, it is directed that Execution Case in respect of Plot No.932, arising out of Khata No.353 in Mouza-Singhapada under Khandapada Tahasil, of the suit scheduled involved in the above noted Execution Case shall not proceed till the next date.

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 14-May-2026 11:00:05

