



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.778 of 2026

Jyoshnamayee Sahoo

.....

Petitioner

Represented by Adv. -
Arun Kumar Mishra 2

-versus-

***M/s. Brace Infrastructure Pvt.
Ltd., Khurda***

.....

Opposite Parties

Represented by Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
08.05.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
3. The plaintiff in C.S. No.809 of 2026 has approached this Court by filing the present CMP application under Article 227 of the Constitution of India challenging order dated 16.04.2026 by which the learned trial Court has rejected the plaintiff's prayer for ad interim ex-parte injunction under Order-39, Rule-3 of the CPC.
4. Learned counsel for the Petitioner at the outset contended that the plaintiff, who happens to be the owner of the land, filed a suit for cancellation of the sale deed and for consequential reliefs. Along with the plaint the plaintiff filed an application under Order-39, Rule-1 & 2 as well as an application under Order-39, Rule-3 of the CPC for grant of ad interim ex-parte injunction. Learned counsel for the Petitioner at this juncture contended that the suit scheduled land



has been sold to the defendant which is a real-estate company and in the event the Opposite Party-company is not restrained, he might create 3rd party interest over the suit scheduled property. It was also contended that if the defendant No.1 is permitted to alienate the land pursuant to the registered sale deed then the same would lead to multiplicity of proceedings the litigation. The grievance of the Petitioner in the suit is that although a sale deed has been executed, however, the purchaser had paid a post docket cheque. As a result of which, such cheque could not be encashed. As such, the entire consideration amount has not been paid to the owner of the land, i.e. the plaintiff-Petitioner.

5. Upon hearing of the learned counsel for the Petitioners, this Court is of the view that the matter requires further examination in presence of the Opposite Party. Hence, issue notice to the Opposite Party by Registered Post/Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

6. List this matter in the week commencing 22.06.2026.

I.A. No.868 of 2026

7. Notice as above.

8. Accept one set of process fee.

9. As an interim, it is directed that the status-quo with regard to the suit scheduled land shall be maintained till the next date.

(Aditya Kumar Mohapatra)
Judge