



IN THE HIGH COURT OF ORISSA AT CUTTACK

RSA No.232 of 2026

Haresh Kumar Parmar

.....

Appellant

Represented by Adv. -
Dillip Kumar Pradhan

-versus-

1) Bhagabana Sanbarsa

.....

Respondents

2) Rita @ Surukuna Sanbarsa

Represented by Adv. -

3) Hitendra Parmar

4) Rajashree Chowda

5) Parul Solanki

6) Ananda Panda

7) Jagnaseni @ Majhiakuna

CORAM:

MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

08.05.2026

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard the 2nd appeal from the learned Counsel for the Appellant on the point of admission.
3. Admit the 2nd appeal on formulation of the following substantial questions of law i.e.:-
- (i) “*Whether, the judgment and decree passed by the learned 1st Appellate Court in R.F.A. No.32 of 2025 in dismissing the suit of the Plaintiff/Appellant reversing the judgment and decree passed by the learned Trial Court on the ground that, the sale deed vide Ext.7 executed by the Defendant No.3 in favour of the Plaintiff on the basis of the sale deed executed by the*



Defendant No.1 in favour of the Defendant No.3 obtaining permission under Section 22 of the OLR Act, 1960 on the ground of fraud in sale, when, there is no proof to the so-called fraud alleged by the Defendant No.1 adducing evidence in the Trial Court in support of his pleadings and when, the proving of the alleged fraud is mandatory, but, only pleadings thereof is not sufficient, then, the judgment and decree passed by the learned 1st Appellate Court is sustainable under law?"

(ii) "Whether, the judgment and decree passed by the learned 1st Appellate Court in R.F.A. No.32 of 2025 on the ground of fraud due to contravention of the provisions of the permission granted under Section 22 of the OLR Act Vide Ext.3 in favour of the Defendant No.1 without any counter-claim of the Defendant No.1 to declare such permission vide Ext.3 as illegal is sustainable under law?"

(iii) "Whether, the judgment and decree passed by the learned 1st Appellate Court in dismissing the suit of the Plaintiff/Appellant that, due to non-fulfilling of the conditions granted in the permission under Section 22 of the OLR Act vide Ext.3 is sustainable under law, when, that condition should have been complied by the Defendant No.1 not by the Plaintiff?"

4. Issue notice to the Respondents.



5. The learned counsel for the Appellant is directed to file requisites within seven working days for issuance of notice to the Respondents through Speed Post.
6. Registry is directed to call for the photo copies of the LCRs of this 2nd appeal.
7. List this matter in the Month of November.

(ANANDA CHANDRA BEHERA)
Judge

02.

I.A. No.738 of 2026

1. Both the Parties are directed to keep the suit properties as it is in status quo without changing the nature and character of the same and without creating any third party interest thereon till next date.
2. List this I.A. in the Month of November for objection and hearing.
3. Urgent certified copy of this order be granted to the Appellant on proper application.

(ANANDA CHANDRA BEHERA)
Judge

Binayak