



ORISSA HIGH COURT : CUTTACK

I.A. No.837 of 2025
(Arising out of RSA No.307 of 2025)

An application for appropriate order under Order-39, Rules-1 and 2 read with Section 151 of the C.P.C.

Lord Radha Krishna and another ...
Petitioners/appellants

-VERSUS-

Srikanta Rout and others
...
Opposite Parties/respondents

Counsel appeared for the parties:

For the Petitioners : Mr. M. K. Mishra, Sr. Advocate.

For the Opposite Parties : Mr. N. Lenka, Advocate

P R E S E N T:

HONOURABLE
MR. JUSTICE ANANDA CHANDRA BEHERA

JUDGMENT

Date of hearing : 25.02.2026 / date of judgment : 25.02.2026

A.C. Behera, J. This I.A. has been filed by the petitioners(appellants in the 2nd appeal vide RSA No.307 of 2025) under Order-39, Rules-1 and 2 read with Section 151 of the Civil Procedure Code, 1908 (in short



the 'C.P.C.') praying for restraining the Opposite Parties(Respondents in the 2nd appeal vide RSA No.307 of 2025) temporarily from performing/observing 'MELAN YATRA' over the suit properties during the pendency of the 2nd appeal vide RSA No.307 of 2025.

2. Heard from the learned senior counsel for the petitioners/appellants and learned counsel for the Opposite Parties/respondents.

3. During the course of hearing, the learned counsels of both the sides fairly submitted that, as per interim arrangement made by the Court, both the parties in this I.A. as well as in the 2nd appeal have been observing 'Dola Festival' on the suit properties (which are in the name of Government) in each and every year in separate times of the day. The plaintiffs/appellants have been performing such 'Dola Festival' with necessary pujas on the suit properties between 4.00 P.M. to 9.00 P.M. of the day and the defendants/respondents have been performing 'Dola Festival' and necessary pujas of the said day between 10.00 A.M. to 3.00 P.M. They (both the parties) had/have not been creating any sort of disturbances against each other during 'Dola Festival'.

4. When, as per the submissions of the learned counsels of both the sides, on the basis of the aforesaid interim arrangements made by



the court relating to the performance of 'Dola Festival' and pujas thereof, they(both the parties) have been obeying the above interim arrangement in each and every year without any violation to the same in any manner, then at this juncture, the said interim arrangements relating to the observation of the 'Dola Festival' by the parties is not required to be interfered with.

Because, it is the duty of the court to keep and maintain the aforesaid interim arrangement as it is, to which, they(parties) had/have been obeying since long without any violation to the same in any manner.

5. Therefore, the interest of justice shall bestly be served, if the aforesaid interim arrangements regarding the performance of 'Dola Festival' and necessary pujas thereof on the suit properties between the parties shall be made absolute.

6. On the basis of the aforesaid observations, this I.A. is disposed of finally under the following directions :-

- (i) Both the parties to this I.A. as well as in the 2nd appeal vide RSA No.307 of 2025 are directed to observe 'Dola Festival' and necessary pujas for the same on the suit properties during 'Dola Festival' with specific directions to the parties that, the plaintiffs/appellants shall observe 'Dola Festival' and necessary pujas thereof between 4.00 P.M. to 9.00



P.M. and the defendants/respondents shall observe 'Dola Festival' and necessary pujas thereof between 10.00 A.M. to 3.00 P.M.

(ii) Both the parties are directed not to create any sort of disturbances against each other during observance of 'Dola Festival' and necessary pujas till the final disposal of the 2nd appeal vide RSA No.307 of 2025.

7. Registry is directed to send the copy of the judgment to the I.I.C., Kankadahad Police Station in the district of Dhenkanal for information.

8. As such, this I.A. filed by the petitioners/appellants is disposed of finally.

Frees copies of this judgment be supplied to both the parties through their respective learned counsels.

(A.C. BEHERA)
Judge

RSA No.307 of 2025

09. This 2nd appeal be listed on 15.04.2026 for hearing.

(A.C. BEHERA)
Judge

Orissa High Court, Cuttack
The 25th of February, 2026/ Jagabandhu, P.A.