



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.969 of 2026

Pragyan Paramita Priyadarsini

Petitioner

Represented by Adv. -
Nityananda Behuria

-versus-

Banita Maharana and others

Opposite Parties

Represented by Adv. -

CORAM:

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

ORDER

22.06.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. Learned counsel for the Petitioner at the outset contended that the Petitioner, as plaintiff, filed a suit for declaration. Along with a plaint the plaintiff filed an application under Order 39, Rule 1 & 2 of CPC as well as under Sub-Rule-3 of Order 39 of the CPC. The application under Sub-Rule-3 of Order 39 of the CPC was taken up first and the prayer for grant of ad interim ex-parte injunction was rejected by the learned trial Court vide order dated 30.03.2026 in I.A. No.12 of 2026. Being aggrieved by such order at Annexure-3,



the Petitioner has approached this Court by filing the present CMP application under Article 227 of the Constitution of India.

4. Learned counsel for the Petitioner at the outset contended that the suit properties are ancestral properties of the parties to the suit. He further contended that unless the plaintiff is protected by an interim order till consideration of the application under Order 39 Rule 1 & 2 of CPC, there is every likelihood that the defendants might alter the ownership of the suit scheduled properties which are ancestral in nature.

5. On a perusal of order dated 30.03.2026, this Court found that the learned trial Court has come to a conclusion that there is no urgency in the matter. Accordingly, it has refused to exercise its power under Rule-3 of Order 39 of the CPC.

6. On a careful analysis of the factual background of the present case, this Court found that the impugned order was passed on 30.03.2026. In the meantime summons must have been issued to the defendants and they must have appeared. Learned counsel for the Petitioner contended that the hearing of the I.A. application has been posted to 10.07.2026. In such view of the matter, the present CMP application is being disposed of by directing the learned Civil Judge (Sr. Division), Nayagarh to make every endeavor to dispose of the I.A. application as expeditiously as possible, after providing opportunity to both sides. The parties are directed to cooperate with the learned trial Court. Further, liberty is granted to the Petitioner to make a prayer for any interim order before the learned trial Court in the event the Petitioner apprehends any danger to the properties till



disposal of the application under Order 39, Rule 1 & 2 of CPC.

7. With the aforesaid observation/direction, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout