



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.991 of 2026

Tara Bibi

.....

Petitioner

Represented by Adv. -
Sk Attiullah

-versus-

Sk. Abdul Farid

.....

Opposite Parties

Mr. Arjuna Charana
Behera, 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 as well as Mr. A.C. Behera, learned counsel appearing *suo-moto* on behalf of the Opposite Party. 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 as well as for permanent injunction. Along with the suit an application under Order 39 Rule 1 & 2 of CPC was moved seeking ad interim ex-parte injunction order along with an application under Sub-Rule 3 of Order 39 of CPC to dispense with summons to the defendants.



Learned counsel for the Petitioner further contended that the learned trial Court rejected the prayer under Rule 3 of Order 39 of CPC. He further contended that since there exists an urgency, the Petitioner moved the learned trial Court for grant of ad interim ex-parte injunction order. Such application having been rejected by the learned trial Court, the Petitioner has been aggrieved has approached this Court by filing the present CMP application.

4. Learned counsel appearing for the defendant on the other hand contended that the defendant pursuant to the summon has already appeared in the suit as well as in the I.A. In such view of the matter, learned counsel for the Opposite Party contended that no interim order is required to be passed at this stage and that the application under Order 39 Rule 1 & 2 of CPC can very well be disposed of by the learned trial Court at the earliest.

5. Considering the submission made by the learned counsels appearing for both sides, on a careful examination of the factual background in the present case, this Court deems it proper to dispose of the CMP application at the stage of admission by directing the learned trial Court to make every endeavor to consider and dispose of the application under Order 39 Rule 1 & 2 of CPC as expeditiously as possible, preferably within a period of six weeks. Parties are directed to cooperate with the learned trial Court for such early disposal. As an interim, it is directed that the parties to the suit shall not alienate to the suit scheduled property or create any third party interest over such land till consideration of the application under Order 39 Rule 1 & 2 of CPC by the learned trial Court as has



been directed herein above.

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

(Aditya Kumar Mohapatra)
Judge

S.K. Rout