



IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.249 of 2023

***Babuli @ Arabinda Sahoo and
another***

Appellants

Represented by

Mr.H. Mohapatra,
Advocate

-versus-

Sanatan Sahoo and others

Respondents

Represented by

None

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

**ORDER
07.10.2024.**

Order No.

I.A. No.613/2023

3. 1. This matter is taken up through hybrid mode.
2. This is an application for exemption for filing Court fees on the ground that the income of the appellants is less than Rs.85,000/- per annum. The income certificate has been appended to the I.A. It is further submitted that the appellants



were exempted from filing court fees before the 1st Appellate Court.

3. Considering the submission as above, the I.A. is allowed. The Appellants are exempted from filing the Court fees.

4. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

R.S.A. No.249 of 2023

- 4.
1. The appeal is taken up for hearing on the question of admission.
 2. Heard Mr. M. Mohapatra, learned counsel for the appellants, on the question of admission. Perused the judgment passed by the lower appellate court as well as the trial court.
 3. Considering the submissions and the grounds raised, the RSA is admitted on the following substantial questions of law;
 - (i) Whether the findings of both the courts below in respect of Issue No.IV & V are perverse?



(ii) Whether both the courts below are justified to pass a decree of mandatory injunction without considering the evidence adduced by the present appellant regarding fraud stated to have been committed for preparation of ROR and MAP during consolidation operation U/s.18(1) of the OCH& PFL Act?

(iii) Whether both the courts below are justified in holding that Civil Court has no jurisdiction to deal with the matter as the matter is adjudicated by the Consolidation authority U/s.9(3) of the OCH& PFL Act, but in fact the Exbt.1 & 2 are prepared U/s.18(1) of the Consolidation Act?

4. Issue notice to the substituted Respondents by Registered Post with A.D. making it returnable within four weeks. Requisites be filed within a week.

5. Call for the L.C.R. List this matter in the week commencing 6th January, 2025.

(Sashikanta Mishra)
Judge



I.A. No.1061/2024

- 5.
1. This matter is taken up through hybrid mode.
 2. In the interim, it is directed that further proceeding of Execution Case No.2/2020 arising out of C.S. No.167/2013 pending in the court of learned Civil Judger (Sr. Division), Nimapara, shall remain stayed till the next date.
 3. Urgent certified copy of this order be granted on proper application.

AKB

(Sashikanta Mishra)
Judge