



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1154 of 2019

Sundarmani Mishra

.... ***Petitioner***
Mr. S.K.Swain
Advocate

-versus-

Saraswati Behera & ors.

.... ***Opposite Parties***
Mr. D.K.Sahoo, Advocate
Ms.Prabhasi Nayak,
Advocate.

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

15.4.2026.

Order No.

11. 1. This matter is taken up through virtual mode.
2. As directed, learned counsel for the Opposite Parties has produced the certified copy the entire order sheet in the RFA and submits that no steps for moving the stay application being taken, the question of its rejection does not arise. She further submits that her client was wrongly instructed for which such a submission was made before this Court inadvertently. The certified copy be kept on record.
3. It is further stated at the bar that the first appeal is posted for hearing on 17.4.2026. Since an application for stay is already on record before the First Appellate Court being filed by the

present petitioner as appellant and the First Appellate Court had itself passed an order to consider the same at the time of hearing, this Court directs the First Appellate Court to take up the stay petition at the first instance and pass appropriate orders in accordance with law on the next date i.e. on 17.4.2026.

4. This Court further directs that the execution case shall not proceed further till the next date i.e. on 17.4.2026 and thereafter as per the order to be passed by the First Appellate Court on the stay petition already on record.

5. The CMP is disposed of accordingly.

AKB

(Sashikanta Mishra)
Judge