



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1435 of 2025

Biswajit Mohanty

....

Petitioner

Mr. N.Jujharsingh, Advocate

-versus-

Susanta Kumar Mohapatra & Ors.

....

Opposite Parties

Mr. A.Parida, Advocate for O.P.3

CORAM:

SHRI JUSTICE B. P. ROUTRAY

ORDER

11.12.2025

Order No.

- 04.
1. Heard Mr. Jujharsingh, learned counsel for the Petitioner and Mr. Parida, learned counsel for Opposite Party No.3.
 2. No one appears for Opposite Party No.1 despite the notice is made sufficient on him. It is further submitted that Opposite Party No.2 is not the contesting party in the suit.
 3. Present CMP is directed against order dated 23rd July 2025 of learned Civil Judge (Senior Division) (LR & LTV), Bhubaneswar passed in C.S. No.633 of 2004, wherein the prayer of the Petitioner to call for certain documents from the Office of Opposite Party No.3 has been refused.



4. Present Petitioner is the Plaintiff and he filed the suit praying for specific performance of contract with Defendant No.1 in order to execute the sale deed in respect of the scheduled property which was originally sold out by Defendant No.3. Defendant No.1 is the second hand purchaser and the Plaintiff allegedly executed the agreement with Defendant No.1 for sale of such property by paying part consideration amount.

5. Present petition to call for the document from Defendant No.3 is filed in the context that Defendant No.1 has applied for permission for transfer of the suit land in favour of the Plaintiff upon receipt of the part consideration amount from the Plaintiff.

6. It is true that there is no special reason on the part of the Defendant No.3 (Odisha State Housing Board, Bhubaneswar) to refuse such permission if applied by the authorized person for transfer of the land. In the written statement filed by Defendant No.3, as submitted by the parties in course of hearing, no such stand is mentioned to refuse such permission permissible under the law. At the same time, it is also true that the parties cannot use the Court has a tool to gather evidence for them.

7. It is submitted that Defendant No.1 is not contesting the suit. Thus taking into the stand of Defendant No.3, which is stated to be without any specific reason to refuse the permission for sale, there would not be any necessity on the part of Defendant No.3 to produce such documents for proper decision of the dispute. Thus, the Plaintiff cannot use the discretion of the Court to get such documents in support of his case and he has to stand on his own legs. Thus, no



infirmity is seen in the impugned order and as such, the CMP is dismissed.

(B.P. Routray)
Judge

S.Das