



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1469 of 2025

Purna Chandra Barik and Others ***Petitioners***

Mr. D.P. Mohanty, Advocate

-versus-

Umakanta Joti and Others ***Opposite Parties***

Mr. V. Jena, Counsel for O.P. No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
10.12.2025

Order No.

03. 1. Heard Mr. D.P. Mohanty, learned counsel for the petitioners and Mr. V. Jena, learned counsel for opposite party no.1.
2. Present CMP is directed against order dated 20th August, 2025 of learned 1st Additional Senior Civil Judge, Balasore passed in Execution Case No.79 of 2015.
3. In course of hearing it is admitted by both parties that second appeals bearing RSA No.31 of 2017 and RSA No.32 of 2017, both arising out of same decree, are still pending adjudication before this court and as per the interim order passed therein the further proceeding in Execution Case No.79 of 2015 was stayed. But the learned trial court is proceeding in the execution case as per the decision in ***Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation, (2018) 16 SCC 299.***
4. So in view of the later decision of Hon'ble Apex Court in ***High Court Bar Association Allahabad v. State of Uttar Pradesh and Others, (2024) 6 SCC 303*** and keeping in view the order of interim stay dated 11th May, 2016 passed in RSA No.31 of 2017, the



impugned order is set aside and the execution proceeding is stayed till the next date of listing of RSA No.31 of 2017. The petitioner undertakes to take steps for early listing of RSA No.31 of 2017.

5. The CMP is disposed of accordingly.

(B.P. Routray)
Judge

M.K.Panda