



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.423 of 2024

1) Jamuna Majhi

.....

Appellants

2) Sanatan Majhi@sanat Mandi

Represented by Adv. -

3) Faguram Majhi@marndi

Dr. Sujata Dash

4) Sauni Majhi

5) Rama Chandra Majhi@marndi

-versus-

1) Palo Tamudia

.....

Respondents

2) Kabir Tamudia

Represented by Adv. -

3) Indra Tamudia

4) Ramsingh Tamudia

CORAM:

MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

08.05.2026

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Heard the 2nd appeal from the learned Counsel for the Appellant on the point of admission.
3. Admit the 2nd appeal on formulation of the following substantial questions of law i.e.:-
- (i) *“Whether, the judgment and decree passed by the learned Trial Court and confirmation of the same by the learned 1st Appellate Court in decreeing the suit of the Plaintiffs for declaration of title, confirmation of possession and permanent injunction over the suit properties on the ground that, the document i.e. Ext.C relied upon by the Defendants/Appellants relating to their title over the suit properties as secondary evidence is not*



admissible due to lack of foundation for adducing such secondary evidence, when, there were documents to show that, the original of Ext.C was produced before the Tahasildar for the mutation of the suit properties in favour of the Defendants is sustainable under law?”

(ii) “Whether, the judgment and decree passed by the learned Trial Court and confirmation of the same by the learned 1st Appellate Court declaring the title of the Plaintiffs over the suit properties without making any prayer in their suit to declare the sale deed vide Ext.C in favour of the Defendants in respect of the suit properties, as void in spite of knowing about the same from the written statement of the Defendants is sustainable under law?”

(iii) “Whether, the judgment and decree passed by the learned Trial Court and confirmation of the same by the learned 1st Appellate Court declaring the title of the Respondents/Plaintiffs over the suit properties and the confirmation of possession thereof as per Sections 34 and 35 of the Specific Relief Act, 1963 without any prayer for recovery of possession, when, there is concurrent findings of the learned Trial Court and learned 1st appellate Court that, the Defendants/Appellants are in possession over the suit properties is sustainable under law?”

4. Issue notice to the Respondents.



5. The learned counsel for the Appellants is directed to file requisites within seven working days for issuance of notice to the Respondents through Speed Post.
6. Registry is directed to call for the photo copies of the LCRs of this 2nd appeal.
7. List this matter in the Month of November.

(ANANDA CHANDRA BEHERA)
Judge

02.

I.A. No.524 of 2026

1. As, the 2nd appeal has already been admitted, therefore, the further proceeding of the Execution Case No.13 of 2024 pending in the Court learned Civil Judge, Sr.Division, Rairangpur be stayed till next date.
2. List this I.A. in the Month of November for objection and hearing.
3. Urgent certified copy of this order be granted to the Appellant on proper application.

(ANANDA CHANDRA BEHERA)
Judge

Binayak

Signature Not Verified

Digitally Signed
Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 12-May-2026 11:16:47

