



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1538 of 2026

CNR No. ODHC010698972026

*Administrative Officer-cum-
Hostel Superintendent, Abantika
Residential Junior College, Charampa,
Bhadrak & Anr.*

..... *Petitioner (s)*
Mr. Sisir Kumar Purohit, Adv.

-Versus-

*Smt. Janaki Pradhan &
Anr.*

..... *Opposite Party (s)*

CORAM:

DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

09.09.2026

Order No.

01.

1. This matter is taken up through hybrid arrangement.
2. In the present CMP, the Petitioner has challenged the impugned order dated 19.08.2026 passed by the learned District Judge, Bhadrak in Money Appeal No.01 of 2020.
3. Heard.
4. Learned counsel for the Petitioner submits that Opposite Party No.1 had instituted Money Suit No.54 of 2017 before the learned Senior Civil Judge, Bhadrak, seeking compensation of Rs.50,00,000/- on account of the drowning death of her 17-year-old son. The said money suit was disposed of vide judgment

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dated 07.12.2019, whereby the Petitioners were directed to pay compensation of Rs.15,00,000/- to the Opposite Party No.1/Plaintiff within a period of three months, failing which the Plaintiff was at liberty to recover the said amount through due process of law.

5. Learned counsel for the Petitioners further contends that, being aggrieved by the judgment dated 07.12.2019 passed in M.S. No.54 of 2017, the Petitioners preferred an appeal vide M.A. No.01 of 2020 before the learned District and Sessions Judge, Bhadrak. In the said appeal, the Petitioner moved an application under Order 41 Rule 5 of C.P.C. seeking stay of Execution Case No.02 of 2021 arising out of the said Money Suit. However, the learned District and Sessions Judge, Bhadrak, disposed of the said application vide order dated 19.08.2026 by staying the judgment dated 07.12.2019 and decree dated 13.12.2019 passed in M.S. No.54 of 2017 subject to depositing of Rs.5,00,000/- by the Petitioners within fifteen working days of that order.
6. The relevant portion of the order dated 19.08.2026 passed in M.A. No.01 of 2020 is extracted hereinbelow:

“ xxx

xxx

xxx

I have heard the learned Counsel for the respective parties. Learned Counsel for the appellants submitted that the Civil Court can stay the execution proceeding under Order 41 Rule 5 of the C.P.C., but subject to security to be furnished by the appellant / for the cost. It may be noted here that the learned Court below has directed payment of Rs. 15,00,000/- to the plaintiff to be paid by the

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defendants/appellants. Considering all the aspects including the fact that the appeal will become in fructuous in the event of refusal of the interim order, it is hereby ordered that the judgment dtd.07.12.2019 and decree dtd. 13.12.2019 is hereby stayed subject to deposit of Rs.5,00,000/-(Rupees five lakh) by the appellants within fifteen working days hence before this Court. Accordingly the petition is allowed.”

7. Learned counsel for the Petitioners further submits that the Petitioners are unable to arrange the aforesaid amount. Hence, he prays that, in lieu of depositing a sum of Rs.5,00,000/- as directed by the learned District and Sessions Judge, Bhadrak, the Petitioners may be permitted to furnish property security i.e. immovable property of equivalent value.
8. In view of the above and having regard to the submissions advanced by learned counsel for the Petitioners, this Court is inclined to allow the prayer made in the present CMP. Accordingly, the order dated 19.08.2026 passed by the learned District and Sessions Judge, Bhadrak in Money Appeal No.01 of 2020 is hereby modified to the extent that, in lieu of the direction for depositing of Rs.5,00,000/-, the Petitioners shall furnish property security of Rs.5,00,000/- to the satisfaction of the court below.
9. The CMP is accordingly disposed of.

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10. Considering the urgency involved in this matter, this Court directs that the downloaded copy of this order from the Website of this Court shall be treated as an authenticated copy.

(Dr. Sanjeeb K Panigrahi)
Judge

Murmu

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