



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1227 of 2024

(An application under Article 227 of the Constitution of India, 1950)

Puspa Swain

....

Petitioner

-versus-

Biswambar Rout and Others

....

Opposite Parties

Appeared in this case by Hybrid Arrangement

(Virtual/Physical Mode):

For Petitioner - Mr. B. B. Mishra (2),
Advocate.

For Opposite Parties - Mr. N. Ch. Jena,
Advocate.

CORAM:

HON'BLE MR. JUSTICE A.C.BEHERA

Date of Hearing :23.02.2026 :: Date of Judgment :23.02.2026

A.C. Behera, J. This Civil Miscellaneous Petition under Article 227 of the Constitution of India, 1950 has been filed by the petitioner (respondent No.1 in the 1st Appeal vide R.F.A. No.3 of 2021 in the Court of learned 3rd Addl. District Judge, Cuttack, plaintiff in the suit vide C.S. No.166 of 2012 in the Court of learned 1st Addl. Civil Judge, Sr. Division, Cuttack) praying for quashing (setting aside) the impugned order dated 03.05.2023 passed in R.F.A. No.3 of 2021 by the learned 3rd Addl. District Judge, Cuttack.

2. The factual backgrounds of this CMP, which prompted the petitioner for filing of the same is that, the respondent No.1 in the 1st



Appeal vide R.F.A. No.3 of 2021 was the sole plaintiff before the learned Trial Court in the suit vide C.S. No.166 of 2012 and the said suit vide C.S. No.166 of 2012 was decreed in favour of the plaintiff and that judgment and decree passed in the suit vide C.S. No.166 of 2012 was challenged by the defendant No.20 in the said suit vide C.S. No.166 of 2012 preferring 1st Appeal vide R.F.A. No.3/2021 being the appellant against the plaintiff and others arraying them as respondents.

In that 1st Appeal vide R.F.A. No.3 of 2021, the O.P. No.1 in this CMP filed a petition praying for his impleadment as respondent No.21 in that 1st Appeal vide R.F.A. No.3 of 2021 before the learned 1st Appellate Court on the ground that, he is the purchaser of the suit properties from the defendant No.20 (appellant in the 1st Appeal vide R.F.A. No.3 of 2021).

That petition for impleadment of the O.P. No.1 in this CMP as respondent No.21 in the 1st Appeal vide R.F.A. No.3 of 2021 was allowed by the learned 1st Appellate Court on dated 03.05.2023 and accordingly, he was impleaded as respondent No.21 in the said 1st Appeal vide R.F.A. No.3 of 2021.

To which, the plaintiff in the suit vide C.S. No.166 of 2012 (respondent No.1 in the 1st Appeal vide R.F.A. No.3 of 2021)



challenged by filing this CMP under Article 227 of the Constitution of India, 1950 being the petitioner praying for quashing (setting aside) the said impugned order dated 03.05.2023.

3. Heard from the learned counsel for the petitioner and learned counsel for O.P. No.1 (respondent No.21 in R.F.A. No.3 of 2021).

4. Taking the submissions of the learned counsels of both the sides into account and in order to avoid the multiplicity of litigations between the parties, it is felt proper to dispose of this CMP finally without interfering with the impugned order dated 03.05.2023 passed in R.F.A. No.3 of 2021 by the learned First Appellate Court in respect of the impleadment of the Opp. Party No.1 in this CMP as respondent No.21 in that R.F.A. No.3 of 2021 by directing the learned 1st Appellate Court to dispose of the R.F.A. No.3 of 2021 pending before him as expeditiously as possible as per law within a period of three months from the date of filing of the certified copy of this Judgment.

5. Therefore, this CMP filed by the petitioner is dismissed on contest, but, the learned 1st Appellate Court i.e. learned Third Addl. District Judge, Cuttack is directed to dispose of the R.F.A. No.3 of 2021 pending before him as per law within a period of three months from the date of filing of the certified copy of this Judgment by any of the parties.



6. As such, this CMP filed by the petitioner is disposed of finally.

***(A.C. Behera),
Judge.***

Orissa High Court, Cuttack.
23.02.2026/Utkalika Nayak//
Junior Stenographer