



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1773 of 2025

Rakesh Singh

.....

Petitioner

Represented by Adv. –
Mr. Rashmikanta Mahalik

-versus-

Kiran Kumari Singh

.....

Opposite Party

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
20.07.2026

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.
3. By filing the present CMP application the Defendant in C.S. No.55 of 2024 pending in the Court of learned Senior Civil Judge, Champua has approached this Court under Article 227 of the Constitution of India thereby challenging the impugned order dated 23.09.2025 at Annexure-3 to the CMP application. By virtue of the impugned order dated 23.09.2025, the learned Additional District Judge, Champua has dismissed the Defendant's first appeal bearing FAO No.2 of 2025 vide order dated 23.09.2025 at Annexure-3.



4. Learned counsel for Petitioner at the outset contended that the Opposite Party-Plaintiff filed a suit for declaration of title and permanent injunction and other consequential reliefs along with the Plaint, the Plaintiff also filed an application under Order 39 Rules 1 and 2 of the CPC. The learned trial Court after hearing both sides disposed of the application under 39 Rule 1 and 2 of CPC which was registered as I.A. No.28 of 2024 dismissed the application. However, the learned trial Court directed the Parties to observe status quo upon the suit schedule property with regard to their possession till final adjudication of the suit. The Defendant-Petitioner being aggrieved by such order preferred the abovenoted appeal before the learned Additional District Judge, Champua. The First Appellate Court vide order dated 23.09.2025 at Annexure-3 dismissed the appeal and confirmed the order dated 17.08.2024 passed by the learned Civil Judge (Senior Division), Champua. Being aggrieved by the aforesaid appellate order, the Defendant-Petitioner has approached this Court by filing the present CMP application. Upon hearing of the learned counsel for the Petitioner on a careful examination of both of impugned orders passed by the learned trial Court as well as the First Appellate Court, this Court is of the view that the learned Courts have passed orders on merits of the matter, taking into consideration the factual backgrounds of the case.

5. Learned counsel for the Petitioner fails to point out any illegality which would call for the intervention of this Court with



the impugned order. Moreover, the status quo order being an order in the interlocutory nature the same does not call any prejudice to any of the Parties to the suit. It also appears that although this application was filed in the order 2025 the same has been listed today for further hearing and admission.

6. With the aforesaid factual backdrop, this Court is not inclined to interfere with the impugned order, however while disposing of the present CMP application, this Court directs the learned trial Court to make every endeavour to expedite the hearing of the suit subject to pendency of the year old cases before the learned trial Court, further every endeavour shall be made to dispose of the suit within a period of one year, parties are directed to cooperate with the learned trial Court, the impugned order passed by the learned trial Court shall continue till disposal of the suit.

7. With the aforesaid observation and direction, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: PERSONAL ASSISTANT
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 23-Jul-2026 14:24:54

