



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.1887 of 2025

Prafulla Kumar Padhy

.....

Petitioner

Represented by Adv. –

Mr. Ratan Prakash Pattnaik

-versus-

Prasanta Kumar Sahu

.....

Opposite Party

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

25.02.2026

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard the learned counsel for the Petitioner-Decree Holder. Perused the CMP application as well as the prayer made therein.
 3. By filing the present CMP application under Article 227 of the Constitution of India, the Petitioner-Decree Holder has approached this Court challenging the conduct of the executing court, i.e. learned Civil Judge (Junior Division), Berhampur in dropping the Execution Proceeding No.1 of 2018.
 4. Learned counsel for the Petitioner-Decree Holder, at the outset, contended that although a decree was granted in favour of the Petitioner and he has filed an application for execution of the decree which was registered as E.P. No.1 of 2018, however such execution proceeding has been dropped erroneously by recording satisfaction of



the decree. Learned counsel for the Petitioner-Decree Holder, at this juncture, contended that though the decree has not fully satisfied, however the learned executing court has recorded the satisfaction of the decree. Being aggrieved by such conduct of the executing court, the Petitioner has approached this Court by invoking the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

5. Having heard the learned counsel for the Petitioner, further taking note of the grievance of the Petitioner, this Court is of the view that the Petitioner should have raised this issue before the learned executing court by filing an appropriate application.

6. In view of the aforesaid position, this Court deems it proper to dispose of the present CMP application by granting liberty to the Petitioner to move the executing court by filing an application within three weeks from today. In such eventuality, the executing court shall consider the application of the Petitioner strictly in accordance with law and pass necessary order thereon.

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

(Aditya Kumar Mohapatra)
Judge

Debasis