



IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.1896 of 2025

Pramila Tripathy

.... ***Petitioner***

Mr. A.K. Sahoo, Advocate

-versus-

***Dibyashi Dibyadarshini Das and
another***

.... ***Opposite Parties***

Mr. P.R. Sutar, Advocate for O.P. No.1

CORAM:
JUSTICE B. P. ROUTRAY

ORDER
06.07.2026

Order No.

I.A. No.311 of 2026

03.

1. Heard Mr. P.R. Sutar, learned counsel for Opposite Party No.1, who has filed the present I.A. and Mr. A.K. Sahoo, learned counsel for the Petitioner.

2. Present I.A. has been filed with a prayer to recall order dated 05.12.2025 passed by this Court, wherein Opposite Party No.1 was directed not to make any construction over the suit property, in addition to the interim order of the learned trial court under Annexure-4, as an interim measure.

3. Opposite Party No.1 (present Petitioner in the I.A.) is the Plaintiff, who filed C.S. No.377 of 2025 against the Defendants, with a prayer for permanent injunction. Learned trial court granted interim relief in favour of the Plaintiff restraining the Defendants from interfering with peaceful possession of the Plaintiff. Thereafter the Plaintiff continued with the construction of building over the suit land and the appeal preferred by Defendant No.2 being dismissed, she approached this Court in



present C.M.P. challenging the order of the learned trial court as well as the appellate court. It is the contention of Defendant No.2 that the suit is for permanent injunction simplicitor and Defendant No.2 disputed the title of the Plaintiff over the suit land. So, it would be unfair on the part of the Plaintiff to continue with construction work during pendency of the suit after getting interim order in her favour.

4. Mr. A.K. Sahoo, learned counsel for the Petitioner in the C.M.P. submits that in the event the construction would be completed over the suit land during pendency of the suit, the suit would be rendered infructuous.

5. Considering all such submissions and the factual situation, this Court vide order dated 05.12.2025 has passed the interim order restraining both the parties to make any construction over the suit property with a view to preserve the property pending the suit and not to change its nature and character.

6. As such, the prayer of the Petitioner to recall said interim order dated 05.12.2025 is rejected being found without merit.

7. The I.A. is disposed of.

C.M.P. No.1896 of 2025

8. List this matter before regular roster Bench and the interim order dated 05.12.2025 shall continue till the next date of listing.

(B.P. Routray)
Judge

B.K. Barik