



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.353 of 2022

Hrusikesh Pati

.....

Appellant

Represented by Adv. -
Bibhudananda Muduli,
Mr.r.k.ojha

-versus-

1) Managovinda Pati

.....

Respondents

- 2) Biranchi Narayan Pati
- 3) Anjalirani Dash
- 4) Sanjulata Mishra
- 5) Ranjita Panigrahi

Represented by Adv. -
m/s amit prasad bose,
dibya jyoti sahu,
soubhagya swain,
debadepta sahu, dipak
ku. sethy

CORAM:

MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER

31.03.2026

Order No.

15. 1. This matter is taken up through hybrid mode.
2. This 2nd appeal was listed for final disposal at the state of hearing on the point of admission.
3. The learned counsels of both the sides are present.
4. It is the submissions of the learned counsels of both the sides that, this 2nd appeal has arisen out of the appeal against the preliminary decree passed in R.F.A. No.40 of 2014 in connection with the preliminary decree passed in a suit for partition vide C.S. No.382 of 2009.
5. It is also the submissions of the learned counsels of both the sides that, in the meantime, the final decree



has already been finalized in presence of the Parties including the Appellant, but, the Appellant in this 2nd appeal has not challenged the said final decree preferring an appeal under Section 97 of the C.P.C., 1908.

6. Now, the question arises,

when, the final decree proceeding has already been finalized and the final decree has already been drawn up on the participation of the Appellant of this 2nd appeal, then at this juncture, whether, this 2nd appeal preferred by him challenging the preliminary decree can be proceeded with or the 2nd appeal will be held to be not maintainable?

7. List this matter on 23.04.2026 for hearing on the above aspect.

(ANANDA CHANDRA BEHERA)
Judge

Binayak