



IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1408 of 2024

Samsun Nishra @ Nisha @
Shamsun Nisa

....

Petitioner

Mr. T.K. Mishra, Advocate

-Versus-

Sadrn Nisha & others

....

Opposite Parties

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
06.02.2025

Order
No.

01.

1. Heard Mr. Mishra, learned counsel for the petitioner.
2. Instant petition is filed by the petitioner challenging the impugned order dated 17th September, 2024 under Annexure-6 passed in C.S. No.454 of 2018 by the learned Civil Judge (Jr. Division), 1st Court, Cuttack on the grounds stated therein.
3. Referring to the compromise decree as at Annexure-3 with a claim that there is allotment of properties among the parties, Mr. Mishra, learned counsel for the petitioner submits that the suit for injunction is at the instance of the plaintiff, wherein, an application under Order 1 Rule 10(2) of C.P.C. was entertained and allowed impleading such other parties, who are not concerned with the suit. It is further submitted that the implection has been allowed on the premise and considering the pleading that the suit to be bad for non-



joinder of necessary parties. The submission that the impletion in terms of Order 1 Rule 10(2) of C.P.C. was necessary but it was not taken judicial notice of, hence, the impugned order under Annexure-6 is liable to be set aside.

4. Considering the facts pleaded on record and submission of the learned counsel for the petitioner, this Court is inclined to issue notice to the opposite parties.

5. Hence, it is ordered.

6. Notice to the opposite parties by Registered Post with A.D. making it returnable at an early date and for the said purpose, requisites shall be filed by the petitioners within the next seven working days positively.

7. Awaiting response from the opposite parties, list this matter on 21st March, 2025 for orders.

(R.K. Pattanaik)
Judge

I.A.No.1460 of 2024

- 02.
1. Heard Mr. Mishra, learned counsel for the petitioner.
 2. Instant petition is filed for appropriate orders.
 3. Considering the submission of the learned counsel for the petitioner and for the reason stated, the I.A. stands allowed directing dispense with filing of certified copy of Annexure-3 for the time being.



4. The I.A. Stands disposed of.

(R.K. Pattanaik)
Judge

I.A.No.1461 of 2024

- 03.
1. Heard Mr. Mishra, learned counsel for the petitioner.
 2. Instant petition is filed by the petitioner for interim orders.
 3. Though, this Court is not inclined to stay the further proceeding in C.S. No.454 of 2018, however, grants the liberty to the petitioner to seek an adjournment before the learned Civil Judge (Jr. Division), 1st Court, Cuttack, who shall on receipt of the same, defer the hearing of the suit to any future date preferably later to 21st March, 2025.
 4. List on the date fixed.
 5. Issue urgent certified copy as per rules.

(R.K. Pattanaik)
Judge

M.K.Rout