



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1964 of 2025

Samima Bibi

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Petitioner

Represented by Adv. –
Mr. Samir Kumar Mishra,
Senior Advocate

-versus-

***Sk. Fazulullah @ Sk. Fazarullah
and others***

.....

Opposite Parties

Mr. Satyajit Palatsingh

CORAM:

THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
19.03.2026

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard Mr. S.K. Mishra, learned Senior Counsel appearing for the Petitioner as well as the learned counsel for the Opposite Parties. Perused the CMP application as well as the prayer made therein.
3. The Plaintiff in C.S. No.432/596 of 2024-(I) pending in the court of the learned 1st Additional Senior Civil Judge, Balasore has approached this Court by filing the present CMP application under Article 227 of the Constitution of India thereby challenging order dated 13.09.2025 passed by the learned 1st Additional Senior Civil Judge, Balasore in the above noted suit.



4. Learned Senior Counsel appearing for the Petitioner, at the outset, contended that the Petitioner as Plaintiff has filed a suit initially with a prayer for declaration, partition and permanent injunction. While the suit was pending before the learned trial court, a petition was filed by both sides seeking settlement of the dispute involved in the suit on compromise. Accordingly, the matter was placed before 3rd National Lok Adalat. Learned counsel for the Petitioner further submitted that by virtue of impugned order dated 13.09.2025, the learned 1st Additional Senior Civil Judge, Balasore has refused to accept the compromise on the ground that since there is a prayer for declaration and the same requires adjudication, such a dispute cannot be settled on compromise. Accordingly, refused to accept the compromise entered into by the parties.

5. On perusal of the order dated 13.09.2025, this Court observes that the learned trial court has not elaborately discussed the grounds on which any apprehension arises with regard to genuines of the compromise. Moreover, the parties who are present before this Court categorically stated before this Court that they had settled the matter on compromise.

6. In such view of the matter, this Court is of the view that the matter requires reconsideration by the 1st Additional Senior Civil Judge, Balasore. Accordingly, the order dated 13.09.2025 at Annexure-3 is hereby set aside. The matter is remanded back to the court of learned 1st Additional Senior Civil Judge, Balasore for reconsideration of the issue. The parties are



directed to appear before the learned 1st Additional Senior Civil Judge, Balasore within two weeks from today along with a certified copy of this order. The learned trial court shall reconsider the whole issue after providing an opportunity of hearing to all concerned and shall dispose of the application of the parties by passing a speaking and reasoned order on the ground as to why the compromise should not be accepted.

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

(Aditya Kumar Mohapatra)
Judge

Debasis

Signature Not Verified

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Signed by: DEBASIS AECH
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 23-Mar-2026 12:08:28

