



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.2005 of 2025

Sashidhar Behera

.....

Petitioner

Represented by Adv. –

Abhishek Dash

-versus-

Dayanidhi Behera and others

.....

Opposite Parties

Represented by Adv. –

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

12.02.2026

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the Petitioner. 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 Defendant No.9 in C.S. No.119 of 2014 pending before the learned Civil Judge (Senior Division), Udala has approached this Court by filing the present CMP application.
 4. Learned counsel for the Petitioner-Defendant No.9 at the outset contended that contrary to the settled principle of law as well as the provision contained in Order 18 of the CPC, the



learned trial Court has asked the Defendant No.9 to begin first in the suit. The same is being strongly objected to by the Defendant No.9 as there exists no such ground to ask the Defendant No.9 to begin first in the suit.

5. Having heard the learned counsel for the Petitioner, on a careful examination of the CMP application as well as documents annexed thereto, this Court is of the view that the matter requires further consideration in presence of the Opposite Party No.1-Plaintiff.

6. Hence, issue notice to the Opposite Party No.1 by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. List this matter in the week commencing 16.03.2026.

8. Notice to Opposite Parties No. 2 to 16 are dispensed with for the time being.

I.A. No.2081 of 2025

9. Heard.

10. Issue notice.

11. One set of process fee.

12. As an interim measure, it is directed that on an application being filed by the Petitioner seeking adjournment before the learned trial court, learned trial court shall do well to adjourn the proceeding in C.S. Case No.119 of 2014 under Annexure-1 for a



period of six weeks.

Urgent certified copy of this order be granted on proper application in course of the day.

(A.K. Mohapatra)
Judge

Sisir

Signature Not Verified

Digitally Signed
Signed by: SISIR KUMAR SETHI
Designation: Personal Assistant
Reason: Authentication
Location: ORISSA HIGH COURT
Date: 12-Feb-2026 16:24:20

