



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.07 of 2025

Ohab Khan @ Wahab Khan

.... **Petitioner**
Mr. N. Singh-1, Advocate

-Versus-

Ahamad Ali Khan & others

.... **Opposite Parties**
None

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
30.04.2025

Order No.
01.

1. Heard Mr. Singh, learned counsel for the petitioner.
2. No notices are issued to the opposite parties since the matter is disposed of at the stage of admission.
3. Instant petition is filed by the petitioner challenging the impugned order dated 26th July, 2024 as at Annexure-4 passed in connection with I.A. No.57 of 2017 by learned Senior Civil Judge, Nimapara arising out of the suit in C.S. No.193 of 2017, whereby, status quo has been directed in respect of the subject matter in dispute.
4. Referring to the impugned order as at Annexure-4, Mr. Singh, learned counsel for the petitioner submits that such an order of status quo is in respect of the plots situate over Khata No.



454/109 of the concerned Mouza and not as against the suit land situate under Khata No.210. It is further submitted that the petitioner is having a house over the plot in question is not able to thatch the same in view of the order of status quo of the learned Court below. It is submitted that the petitioner should be allowed to thatch the house standing over plot No.970, Khata No.454/109.

5. As per Annexure-4, it is made to understand that the alleged plot stands recorded in the name of the petitioner and others. In fact, the petitioner is one of the defendants in the suit, wherein, application under Order 39 Rules 1 and 2 C.P.C. was filed by opposite party No.1 and therein, the interim order of status quo has been passed. Admittedly, from a copy of the plaint as at Annexure-1, the suit schedule 'A' property relates to Plot Nos.931 and 970 situate over Khata No.210. In so far as the suit plot is concerned, according to the claim of the petitioner, it is situated over Khata No.454/109 of Mouza- Uchhupur. Considering the submission as above and facts pleaded on record and as there has been an order of status quo and the same is in respect of Khata No.210 and Plot Nos. Plot No. 931 and 970, the fact, which is to be taken cognizance of by he learned Court below at the hearing of the suit. It would, however, be proper, if considering the request received to thatch the house standing over the suit plot in possession of the petitioner, liberty is granted to him to move the learned Court below making an application in that regard for appropriate orders without disturbing the order of status quo.

6. Hence, it is ordered.



7. In the result, the CMP stands disposed of with the direction as aforesaid. It is directed that in the event, any such application is received from the petitioner seeking any house standing over the suit plot to be thatched by him, learned Civil Judge (Senior Division), Nimapara shall consider the same in C.S. No.193 of 2017 and thereafter, to pass necessary order as per and in accordance with law. In the event, any such order is passed and permission is granted in favour of the petitioner, the Court further directs that the impugned order dated 26th July, 2024 in I.A. No. 57 of 2017 shall be treated to have been modified to the said extent. It is also directed that in case, a request is received for early disposal of the suit, the same shall be duly considered by learned Court below.

8. In the circumstances, there is no order as to costs.

9. Urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Balaram

Signature Not Verified

Digitally Signed
Signed by: BALARAM BEHERA
Reason: Authentication
Location: OHC, CUTTACK
Date: 02-May-2025 12:21:06

