



IN THE HIGH COURT OF ORISSA AT CUTTACK
RSA No.4 of 2026

Khageswar Mohanta

.....

Appellant

Represented by Adv. -
Prajna Sarita Mohanty

-versus-

***Trupti Kalika Mohanty @ Das
and others***

.....

Respondents

Represented by Adv. -
Mr.G.Mohanty, SC

CORAM:
MR. JUSTICE ANANDA CHANDRA BEHERA

ORDER
13.01.2026

Order No.

02. 1. This matter is taken up through hybrid mode.
2. Heard the appeal on the point of admission from the learned counsels of both the sides.
3. Admit, on formulation of the following substantial questions of law i.e.:-

(i) *“Whether, the dismissal of the suit for partition vide C.S. No.14 of 2021 by the learned 1st Appellate Court in its judgment and decree passed in R.F.A. No.10 of 2024 reversing the judgment and decree for partition passed by the learned Trial court in the suit vide C.S. No.14 of 2021 on the ground of previous partition, when there is no pleadings on behalf of the Defendants in their written statement regarding the previous*



partition of the suit properties in the suit vide C.S. No.14 of 2021 is sustainable under law?”

(ii) “Whether, the findings and observations made by the learned Trial Court in dismissing the suit for partition vide C.S. No.14 of 2021 on the ground of previous partition without any document relating to previous partition and on the basis of order passed in a mutation case is sustainable under law”?

4. Registry is directed to call for the LCRs.
5. The learned counsel for the Appellant is directed to file requisites for issuance of notices to the Respondents through Speed Post with A.D. within seven days.
6. List this matter on 23.03.2026.

(ANANDA CHANDRA BEHERA)
Judge

03. **I.A. No.4 of 2026**

1. Both the parties are directed to keep the case land as it is till next date without changing the nature and character of the same.
2. Issue notice to the Respondents.
3. The learned counsel for the Appellant is directed to file requisites for issuance of notices to the



Respondents through Speed Post with A.D. within seven days.

4. List this I.A. on 23.03.2026 for objection and hearing.

5. Urgent certified copy of this order be granted to the Appellant on proper application.

(***ANANDA CHANDRA BEHERA***)
Judge

Binayak