

(2026) 01 OHC CK 1784

In the Orissa High Court

Case No : Civil Miscellaneous Petition No. 1898 Of 2025

Tilottama Sendha & Anr

APPELLANT

Vs

Subas Chandra Sendha & Ors

RESPONDENT

Date of Decision : 19-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 227

Code Of Civil Procedure, 1908-Section, Order 39 Rule 1, Order 39 Rule 2

Citation : (2026) 01 OHC CK 1784

Hon'ble Judges : Aditya Kumar Mohapatra, J

Bench : Single Bench

Advocate : Gopal Prasad Jena

Judgement

Aditya Kumar Mohapatra, J

1. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioners. Perused the application as well as the prayer made therein.

3. By filing the present application under Article 227 of the Constitution of India, the plaintiff-petitioners have challenged the order dated 16.10.2025 passed by the learned Additional District Judge, Balasore in FAO No.85/25 which arises out of order dated 27.11.2024 passed by the learned Senior Civil Judge, Soro in I.A No.75/24 which arises out of C.S No.533/326 of 2024.

4. Learned counsel for the Petitioners at the outset contended that the suit filed by the present plaintiff is suit for partition wherein the Opposite Parties are defendant co-sharers. He further submitted that they have moved an application before the Revenue Authority for demarcation of their land. Since such demarcation application was pending some of the defendants-Opposite Parties approached this Court by filing writ petitions and obtained an order directing the Revenue Authority to dispose of such demarcation proceeding. It is virtue of such

order that the demarcation proceeding is continuing, as a result of which, the plaintiff-petitioners filed an application under Order 39 Rule 1 & 2 before the learned trial court restraining demarcation of the suit land till disposal of the suit. Such application having been rejected by the learned trial court, the plaintiff-petitioners preferred an appeal before the learned Appellate Court. However, the appellate court has also confirmed the order passed by the learned trial court. Being aggrieved by such orders passed by both the forums, the Petitioners have approached this Court by filing the present application. Learned counsel for the plaintiff-Petitioners at this juncture contended that if the land is demarcated by the Revenue Authority, the same would cause serious prejudice to the plaintiff-petitioners.

5. Considering such submission, this Court is inclined to issue notice to the Opposite Parties. Hence, issue notice to the Opposite Parties by speed post with A.D fixing a short returnable date. Requisites be filed within three working days.

6. List this matter in the week commencing 23.02.2026.

I.A No.1876 of 2025

7. Heard learned counsel for the Petitioners.

8. Notice as above.

9. Accept one set of process fee.

10. As an interim measure, it is directed that the parties shall maintain status quo with regard to the possession over the suit scheduled land till the next date.