



IN THE HIGH COURT OF ORISSA AT CUTTACK

TRP(C) No.147 of 2018

**M/s. B. Engineers and
Builders (P) Limited,
Bhubaneswar**

....

Petitioner

Mr. G.R. Sahoo, Advocate

-versus-

**Orissa Construction
Corporation Limited,
Khordha & ors.**

....

Opposite Parties

*Mr. S.K. Nath, Advocate
(For O.P. No.1)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

24.07.2026

Order No.

13.

This matter is taken up through hybrid mode.

2. Learned Counsel for the parties are present.

3. As is revealed from the record, vide order dated 16.07.2025, the matter stood adjourned sine die giving liberty to the parties to move for listing of this transfer petition after disposal of CMP No.606 of 2025.

4. Mr. S.K. Nath, learned Counsel for the Opposite Party No.1-Corporation submits, CMP No.606 of 2025 being allowed, learned Civil Judge (Senior Division), Rayagada took up CMA No. 02 of 2025 afresh and again dismissed the same vide order dated 19.05.2026. To substantiate his submission, Mr. Nath files a photocopy of certified copy of order dated 19.05.2026 passed in CMA No.02 of 2025 by learned Civil Judge (Senior Division), Rayagada. The same is taken on record.



5. The said submission made by Mr. Nath, learned Counsel for the Opposite Party No.1 is not disputed by Mr. G.R. Sahoo, learned Counsel for the Petitioner.

6. However, Mr. Sahoo, learned Counsel for the Petitioner submits, being aggrieved by the said order dated 19.05.2026 passed in CMA No.02 of 2025, as per the instruction received, the present Petitioner is contemplating to challenge the said order.

7. The present transfer petition has been preferred by the Petitioner-Company for transfer of proceeding in T.S. No.23 of 1993 from the Court of learned Civil Judge (Senior Division), Rayagada to the Court of learned 1st Additional Civil Judge (Senior Division), Bhubaneswar so also for analogous hearing of the said suit along with Money Suit No.246 of 1993 and the matter is pending since 2018.

8. Hence, in view of the dismissal of the Title Suit No.23 of 1993 so also CMA No.02 of 2025, again dismissal of CMA No.02 of 2025 after remand vide order dated 19.05.2026, as indicated above, this Court is not inclined to adjourn the matter further, as prayed by Mr. Sahoo, learned Counsel for the petitioner.

9. Accordingly, the transfer petition stands dismissed as infructuous giving liberty to the Petitioner to file application for restoration of the transfer petition, in case the order passed in CMA No.02 of 2025 is set aside by the competent Court and T.S. No.23 of 1993 is restored to its file and any cause of action still survives on the date of moving application for restoration.



10. Interim order dated 15.05.2018 passed in I.A. No.162 of 2018 stands vacated.

11. Urgent certified copy of this order be granted on proper application as per rules.

Banita

(S.K. MISHRA)
JUDGE