



IN THE HIGH COURT OF ORISSA AT CUTTACK

**CMP No. 1785 of 2016
[CNR No. ODHC010190752016]**

**1. M/s. Rajpath Services, Represented
through its Sole Proprietor Sri Piyush
Gupta**

2. Sri Piyush Gupta

.... Petitioners

Mr. Vaibhav Mishra, Advocate
on behalf of Tanmay Mishra, Advocate

-versus-

1. Prasant Kumar Bhuyan

2. Pratap Kumar Bhuyan

3. Pradosh Kumar Bhuyan

4. Dilip Kumar Bhuyan

5. Pradeep Kumar Bhuyan

6. Pramod Kumar Bhuyan

.... Opp. Parties

CORAM:

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

07.09.2026

Order No.

(Through Hybrid Mode)

05. 1. This CMP has been filed challenging the order dated 09.11.2016 passed by the learned Civil Judge (Senior Division), Bhubaneswar in C.S. No. 246 of 2013 (Annexure-5), rejecting the application filed under Section 10 read with Section 151 of the CPC by the Petitioners-Defendants No.1 and 2 for stay of proceeding in the suit till disposal of C.S. No. 180 of 2011



pending before the learned Civil Judge (Junior Division), Bhubaneswar.

2. While issuing notice on 07.12.2016, this Court had stayed further proceeding in C.S. No. 246 of 2013.

3. A memo dated 24.08.2026 has been filed by the learned counsel for the Petitioners stating that the petitioner has received no instructions regarding the present status of C.S. No. 180 of 2011 which was pending before the learned Civil Judge (Jr. Division), Bhubaneswar and C.S. No. 246 of 2013 pending before the Learned Civil Judge (Sr. Division), Bhubaneswar.

4. Since it was not apparent from a memo if either of the civil suits has been disposed of, on 29.08.2026, a report had been called from both the civil judges regarding present status of the respective suits.

5. Report dated 02.09.2026 has been received from the learned Civil Judge (Senior Division), Bhubaneswar in C.S. No. 246 of 2013, where it is stated that a petition under Order 6 Rule 17 of the CPC and a petition under Order 1 Rule 10 of CPC had been filed by the Petitioners and the case is posted to 03.09.2026 for consideration of the Vakalatnama and filing of objection by Defendant No.1 to the two petitions.



6. Report dated 02.09.2026, has been received from the 2nd Additional Civil Judge (Senior Division), Bhubaneswar where it is stated that Civil Suit No. 246 of 2013 has been dismissed for default on 25.06.2025 due to failure of the plaintiff to take steps.

7. As Civil Suit No. 246 of 2013 has been dismissed during pendency of the CMP, no useful purpose will be served in keeping this CMP pending, which is accordingly dismissed.

8. Interim order passed earlier stands vacated. Misc. Case No. 1886 of 2016 stands disposed of.

9. Urgent certified copy of this order be granted on proper application.

(Savitri Ratho)
Judge

Sukanta