

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23488 of 2013

Paka Sahoo

.... ***Petitioner(s)***
Mr. S.K. Nayak(2),
Advocate

-versus-

Sudarsan Sahoo & Ors.

.... ***Opposite Party(s)***
Mr. D. Rath,
Advocate for O.Ps.3 & 4

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
16.05.2022**

Order No.

09.

1. This writ petition involves rejection of an application U/o.6 Rule 17 of C.P.C.
2. Undisputedly there is a claim of foundation for bringing the vast portion of amendment after the written statement came into record. This Court finds, the suit was filed in the year 1996. The written statement therein was filed in the year 1998 and amendment application was brought in 2013. This Court finds, though there is no necessity of satisfying the due diligence aspect for it involves an amendment much after the suit was brought, but there is no escape of the plaintiffs for there is huge delay in bringing the proposed amendment in 2013 basing on certain developments taken place in 1998. Further looking to the nature of amendment, this Court also finds, not only the facts narrated therein were all available with the Petitioner, but there has also been attempt to bring completely new

case extending to seven paragraphs running over three pages. This Court finds, there is serious lapse on the part of the plaintiff and an attempt almost after 17 years the suit is filed. On the ground of serious lapse on the part of the plaintiff-Petitioner, this Court is not inclined to interfere in the impugned order. Considering that the suit is pending since 1996, this Court directs the trial court to conclude the suit at least within a period of nine months from date of communication of a copy of this order by the Petitioner.

3. The writ petition stands disposed of with the above direction.
4. In view of disposal of the writ petition interim order passed earlier stands vacated.

(Biswanath Rath)
Judge

