

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.1052 OF 2017

Paramananda Samal

....

Petitioner

Ms.B.Pati, Adv.

-versus-

Dolagobinda Barik & ors.

....

Opposite Party(s)

Mr.P.R.Sutar, Adv.

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
7.2.2022**

**Order
No.**

08.

1. Heard learned counsel for the Parties.
2. Undisputedly, the amendment at the instance of the plaintiff was grossly time barred. Looking to the nature of amendment involving introduction of new prayer in the cause of action already accruing in 2011 in filing the suit, introduction of fresh prayer is grossly barred by limitation. Perused the impugned order at Annexure-5. This Court finds, there is justified consideration in the un-entertainability of prayer on account of limitation. There is rightful rejection of such claim requiring no interference of the order. While dismissing the CMP, this Court finding the Civil Suit pending since 2011, directs the Civil Judge (Jr.Divn.), Kendrapara to conclude the trial involving the Suit involved herein at least within a period of four months from the date of communication of this order.

Both the Parties are directed to appear before the trial court along with copy of this order to facilitate the trial court for conclusion of the Suit involved.

(Biswanath Rath)
Judge

M.K.Rout

