

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.308 of 2022

Chhaganlal Jaiswal

....

Petitioner(s)
Mr. T.K. Mishra,
Advocate

-versus-

Urmila Jaiswal & Ors.

....

Opposite Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
26.04.2022

Order No.

01. 1. This C.M.P. involves rejection of an application for amendment filed by the plaintiff on 21.12.2020.
2. Reading through the paragraph no.9 of the plaint averments and the proposed amendment, an attempt is made by Mr. Mishra, learned counsel for the Petitioner to justify that in the pendency of the suit there has been attempt to open the lock of some of the shop rooms and as a consequence there has been filing of F.I.R. It is, in this background of the matter, a claim is also made that the proposed amendment is relevant for effective adjudication of the suit and in the circumstance, there is prayer for interfering in the impugned order so far it relates to rejection of the amendment application dated 21.12.2020.
3. Considering the submission of Mr. Mishra, learned counsel for the Petitioner and on perusal of the application U/o.6 Rule 17 of C.P.C. at the instance of the of the Plaintiff dated 21.12.2020 more particularly reading through the proposed amendment in comparison

with the pleadings at paragraph no.9, this Court finds, the proposed amendment involves subsequent events and has nothing to do with the *lis.* pending for determination and this Court also deprecates the Plaintiff's moving multiple amendment application; may be with an intention to block the trial of the suit somehow or other.

In the circumstance, this Court finds, the proposed amendment has nothing to do with the *lis.* involved in the suit. Perused the findings of the trial court in rejection of the above amendment application. This Court finds, there has been right consideration of such application and this Court is not inclined to interfere in the impugned order.

4. The C.M.P. stands dismissed as not entertainable.

(Biswanath Rath)
Judge

