

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.348 of 2022

Hrushikesh Sahoo & Anr.

....

Petitioner(s)
Mr.S.S.Bhuyan, Advocate

-versus-

Ananta Kishore Sahoo & Ors.

....

Opp.Party(s)

CORAM:
JUSTICE BISWANATH RATH

ORDER
04.05.2022

Order No.

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1. Heard Mr.S.S.Bhuyan, learned counsel appearing for the petitioners.

2. Mr.Bhuyan, learned counsel for the petitioners involving the impugned order submits that the plaintiff in the guise of Order 6, rule 17 of the Code of Civil Procedure is trying to bring new parties in the form of impendent purchaser in the pendency of the suit and in an attempt to delay the trial proceeding. Mr.Bhuyan, learned counsel further submitted that once the plaintiff himself brings a suit, there should not have been sale of the property in the pendency of the suit and in his conduct the plaintiff already is in contempt. In the above background, Mr.Bhuyan, learned counsel requested this Court for interference in the impugned order in allowing such amendment.

3. For the opinion of this Court action of the plaintiff to sale the disputed property in the pendency of the suit since open to be agitated and considered by the trial Court, this Court does not want to enter into such arena at this stage of the matter. However, looking to the nature of amendment of the plaint, it is better and convenient of the defendant to have the trial involving all parties interested in the suit. In the process, this Court declines to interfere in the impugned order. However, considering that the impugned order involves amendment of the plaint and allegation that the plaintiff adopting delay tactics, this

Court observes, in the event amended plaint is not filed as of now, the trial court shall ensure filing of amended plaint at least within a period of seven days from the date of service of copy thereof on the other side. Further on filing of amended plaint, the defendants will be allowed to file their additional written statement at least within a period of two weeks thereafter. As a consequence of addition of party on the filing of amended plaint, notice will be issued to the newly added party within a period of seven days from the date of filing of amended plaint. For the addition of party, further written statement of the newly added party shall be ensured at the same time and all out attempt be made to dispose of the suit within a period of one year.

3. The Civil Miscellaneous Petition stands disposed of with the observation made hereinabove.

(Biswanath Rath)
Judge

Sks

