

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP NO.1518 OF 2017

Sakuntala Satapathy & anr.

....

Petitioners

Mr.A.P.Bose, Adv.

-versus-

Harihar Mohapatra @ K.C.Satapathy

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
14.2.2022**

**Order
No.**

7.

1. Heard learned counsel for the Petitioners.
2. This matter involves allowing an Application under Order 6 Rule 17 of C.P.C. involving an amendment at the instance of the Defendant in bringing certain aspects by way of addition to Paragraph-12 of the Written Statement.
3. Considering the submission of the learned counsel for the Petitioners and the reasoning assigned in the impugned order, further keeping in view the schedule of proposed amendment, this Court finds, there is no change in the pleading. It is on the other hand, there is addition of more information to Paragraph-12 already existing. This Court here of course takes the objection of the learned counsel for the Petitioners to the effect that once there is already closure of main witness of the Plaintiffs by way of P.W.1, it is in the event there is allowing of such Application, there is serious

prejudice to the Plaintiffs for their already closure of main witnesses. Keeping this in view, while declining to interfere with the impugned order further keeping in view the difficulty faced by the Plaintiffs and taking into account the situation of allowing such amendment, this Court observes, in the event the Plaintiffs file an Application for recalling of P.W.1 to get into further evidence involving the amended Paragraph-12, same may be allowed. As a consequence, there will also be allowing of further examination as well as if necessary cross-examination of P.W.1.

4. With the above observation, the CMP stands disposed of.

M.K.Rout

(Biswanath Rath)
Judge

