

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.1325 of 2018

Arjun Kumar Prusty

....

Petitioner(s)

Mr.S.Mohanty,
Advocate

-versus-

Parshuram Prusty

....

Opposite Party(s)

Mr.D.K.Mishra,
Advocate (for sole
Opp. Party No.4)

CORAM:
JUSTICE BISWANATH RATH

ORDER
19.04.2022

Order No.

15.

1. Heard the submissions of learned counsel for the parties.
2. Undisputedly plaintiff knowing fully well for not having such contingency did not bring particular issue. As a consequence there is also no bringing in evidence. Considering the attempt may be based on deficit in the filing of the suit being observed in the finality of the suit and the amendment to bring additional prayer was made in the pendency of appeal, for the opinion of this Court once a judgment and decree has already passed making an observation that the suit suffers on account of not bringing appropriate prayer, there is no possibility of bringing amendment to regularize such suit after the judgment came to be pronounced. Keeping this in view, this Court on perusal of the impugned order finds, there is reasonable consideration in rejecting such claim. In the above circumstance this Court finds no scope for interfering in the impugned order. Consequently, the CMP stands dismissed.

(Biswanath Rath)
Judge