

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.1006 of 2019

Siba Prasad Behera

.... ***Petitioner(s)***
Mr. N.K. Jujharsingh,
Advocate

-versus-

Basanti Behera & Anr.

.... ***Opposite Party(s)***
None at the time of call

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
19.05.2022**

Order No.

06.

1. On the issue of rejection of amendment application at the instance of the plaintiff, taking this Court to the proposed amendment learned counsel for the Petitioner wants to satisfy this Court regarding necessity of bringing in the amendment and in the process submitted that such amendment has been brought for effective adjudication of the suit and while claiming technicality should not come on the way of the Petitioner contended that there has been illegal consideration of the application by the trial court.

2. Considering the submission of learned counsel for the Petitioner and on perusal of the proposed amendment, this Court finds, the Petitioner has not only attempted to bring changes to the prayer involving the suit, but there has also been attempt to bring materials taking effect in the year 1939 and 1958 respectively. There has been also certain facts which had even already existed at the time of filing of the suit. There is no explanation in the amendment application as to the bringing in such amendment at a belated stage.

There is no satisfaction of due diligence by the Petitioner. Looking to the impugned order, this Court finds, the trial court on the ground of delay and no satisfaction of due diligence and further taking aid of certain decisions, has come to reject the application. This Court finds, there is justified rejection of the application for amendment and there is no scope for interfering in the impugned order.

3. The C.M.P. stands dismissed.

(Biswanath Rath)
Judge

Ayaskanta Jena

