

IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No. 847 OF 2022

Dillip Kumar Behera and another ***Petitioners***
Mr. Jagabandhu Sahu, Advocate
-versus-

Bidyadhar Sahu ***Opp. Party***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER
22.09.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 21st July, 2022 (Annexure-5) passed in C.S. No.05 of 2018, whereby learned Civil Judge (Junior Division), Padampur allowed an application filed by the Plaintiff-Opposite Party under Order VI Rule 17 C.P.C.
3. Mr. Sahu, learned counsel for the Petitioners submits that after filing of the written statement, the Plaintiff-Opposite Party filed an application to amend the plaint extensively by changing the plot numbers, khata numbers and area etc. Although the objection to that effect was raised by the Defendants-Petitioners, but learned trial Court allowed the application without properly appreciating the same. Hence, this CMP has been filed.
4. Upon hearing learned counsel for the Petitioners and on perusal of the petition for amendment, it appears that the Plaintiff-Opposite Party has filed an application to amend the plot numbers, khata numbers and area etc. extensively. However, hearing of the suit has not yet commenced and this

Court does not find any reason as to how the Defendants-Petitioners will be prejudiced by said amendment when they have liberty to file additional written statement to the amended plaint.

5. In that view of the matter, this Court is not inclined to interfere with the impugned order under Annexure-5.

6. Accordingly, the CMP being devoid of any merit stands dismissed.

Urgent certified copy of this order be granted on proper application.



(K.R. Mohapatra)
Judge

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