

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No. 1120 OF 2022

Baikuntha Charan Sahoo and another* *Petitioners

Mr. Niranjana Prasad Patra, Advocate

-versus-

Urmila Sahoo and others

.... *Opp. Parties*

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.12.2022

Order No.

01. 1. This matter is taken up through hybrid mode.
2. The Petitioners in this CMP seek to assail the order dated 22nd September, 2022 (Annexure-5) passed by learned Senior Civil Judge (LR and LTV), Kendrapara in T.S. No.504 of 2001, whereby an application for amendment of the schedule of the plaint has been rejected.
3. In course of hearing, Mr. Patra, learned counsel for the Petitioners submits that although in the proposed amendment, entire schedule has been given, but, in fact, the Plaintiffs-Petitioners purpose to amend Khata No.497/111 in Schedule-B of the plaint. It is submitted that instead of Khata No.497/111, it has been inadvertently typed as Khata No.397/111 in the Schedule-B of the plaint. If the typographical error is corrected, the suit can be effectively decided. Learned trial Court without appreciating the same, proceeded on an impression that the Plaintiffs-Petitioners want to substitute the entire schedule (Schedule-A and B) of the plaint. He, therefore, prays for

setting aside the impugned order under Annexure-5 and to permit the Petitioners to amend the plaint accordingly.

4. In view of the submission made by learned counsel, this Court feels that if the Petitioners confine their prayer for amendment for correction of Khata No.397/111, the same should be considered afresh given opportunity of hearing to the parties concerned.

5. Since the suit is of the year, 2001, issuance of notice to the Opposite Parties may further delay disposal of the suit. Hence, this Court remits the matter back to learned trial Court to consider those aspects of the prayer made by learned counsel for the Petitioners providing opportunity of hearing to the parties concerned.

6. Till disposal of the petition for amendment afresh, the impugned order under Annexure-5 shall be kept in abeyance.

7. The CMP is accordingly disposed of.

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

(K.R. Mohapatra)
Judge

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