

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.667 of 2021

**Satura @ Satrugan Khatua &
Ors.**

Petitioners

Mr.H.B.Sutar, Advocate

- Versus-

Dhumali Tarai & Ors.

.....

Opposite parties

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
04.01.2022**

**Order No.
01**

Heard learned counsel appearing for the petitioners.

2. This CMP involves rejection of an application under Order 6 Rule 17 of the Code of Civil Procedure at the instance of the defendant. For the observation of the trial court in rejecting such an application that by filing such application there is attempt by the defendant to take away the clear admission. Learned counsel for the petitioners while advancing his argument submitted that the document which sought to be relied upon by way of additional pleading through the amendment application, were not available with him at the relevant point of time i.e. at the time of filing of the written statement. On plain reading of the amendment petition, this Court finds there is no such plea. This Court observes that the argument advanced on the basis of plea not being available in the trial court for its consideration is not acceptable. In the

circumstance and for the reason assigned in the impugned order, this Court finds no scope for interfering in the impugned order for which the CMP stands dismissed.

Sks

(BISWANATH RATH)
JUDGE

