

IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.700 of 2021

Babaji Charan Sahoo.

.....

Petitioner(s)

Mr.B.N.Tripathy, Advocate

- Versus-

Dibakar Behera & Anr.

.....

Opposite parties

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
10.01.2022**

Order No.
01

1. This matter is taken up through Video Conferencing mode.
2. Heard Mr.Tripathy, learned counsel appearing for the petitioner.
3. This Civil Miscellaneous Petition involves rejection of an amendment application. Reading from the averments brought by way of amendment, in paragraph-8 and paragraph-13 of the schedule of amendment, this Court finds in paragraph-8, petitioner attempted to bring response virtually to the written statement by way of clarification. Further, through paragraph-13(A), there is bringing in of facts and developments taking place in the year 2010 by way of amendment in the year 2021 in spite of such scope being available in filing a suit in the year 2016,. Furthermore, Mr.Tripathy, learned counsel for the petitioner also submitted that whatever amendment has been brought by way of amendment application indicated herein are in clarificatory in nature. For the opinion of this Court and for the observation made hereinabove, there is no room for clarification by way of amendment to plaint except leaving the parties to meet with such contingency through their evidence

but however confining to the pleading already available.

4. Perused the reasoning in the impugned order. For the observation and the reasoning hereinabove, this Court finds no scope for interfering in the impugned order. Consequently, the CMP stands dismissed.

5. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout copy of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021 and Court's Office order circulated vide Memo Nos.514 & 515 dated 7th January, 2022.

Sks



(BISWANATH RATH)
JUDGE