

A.F.R

IN THE HIGH COURT OF ORISSA AT CUTTACK

C.M.P. No.764 of 2021

Sanjeeb Mohanty

....

Petitioner

Mr. D. Mohanty,
Advocate

-versus-

The Regional Director & Anr.

....

Opposite Parties

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
06.01.2022**

Order No.

1. 1. The Civil Miscellaneous Petition involves a challenge to the impugned order of rejection of an amendment application at the instance of Plaintiff.
2. Mr. Mohanty, learned counsel for the Petitioner challenges the impugned order on the premises that the amendment since was answering the written statement plea, there was no reason to reject such amendment application and as such Mr. Mohanty, learned counsel urged before this Court that the rejection order should be interfered and the amendment application ought to be allowed. Question here required to be considered is; for the nature of response, if there is any scope to bring an amendment to the plaint by way of answer to the written statement plea through amendment?

3. On entire reading of the amended paragraphs involving the amendment application at page 20 of the brief, this Court finds, in all these paragraphs the plaintiffs have attempted to answer the pleadings made the written statement. For the clear provision in the C.P.C. the plaintiff is required to have its pleading on service of copy of the plaint on the defendant and the defendants are required to answer the pleadings by way of written statement. This Court is of the opinion that there is no scope for the plaintiff to make its answer by way of amendment of the pleadings in the written statements, except dealing with same in trial by way of evidence. This Court on entire reading of the amended paragraphs nowhere finds any fresh material required to be brought by way of amendment of the plaint, on the premises that the plaintiff was unaware of such fact. It is, at this stage of the matter, this Court again on reading of the whole application finds, there is attempt to bring a response to the denial of the defendant to the pleadings in the plaint in the written statement by way of amendment of the plaint, which is not permissible in the eye of law. There is no such scope in the Code of Civil Procedure. Any such attempt is simply to be rejected.

4. Perused the reasoning in the impugned order. For the reasoning therein and the observation of this Court, there is no scope to entertain such Civil Miscellaneous Petition, which is thus dismissed at admission stage.

(Biswanath Rath)
Judge