IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.346 of 2016
CNR No.ODHC010388442016

M/s. Hotel Alankar Private Limited and another .... ***Petitioners***

Mr. Bitas Kumar Swain, Advocate on behalf of
Mr. T.K. Mishra, Advocate

-versus-

Orissa State Financial Corporation, Cuttack and others .... ***Opp. Parties***

Mr. Abinash Routray, Advocate
(for O.P. No.1)
Mr. P.K. Lenka, Advocate
(for O.P. Nos.2 and 3)

CORAM:
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
31.10.2026
(*Hybrid Mode*)

Order No.

08. **1**. The application under Article 227 of the Constitution of India has been filed by the petitioners who are the plaintiffs in the suit before the learned trial court in T.S. Case No.97 of 2002. Apparently, the suit is languishing for the last 24 years.

2. After hearing the learned arguing counsel, Mr. T.K. Mishra for the petitioners, Mr. Routray, learned counsel for opposite party no.1 and Mr. Lenka, learned

counsel for opposite party nos.2 and 3, the following was observed:

> "3. In view of the pendency of the matter for the last ten years adjournment is granted reluctantly.
> 4. The matter shall be listed under the same heading and priority in the week commencing 27th October, 2026.
> 5. Interim order dated 04.03.2016 shall continue till the next date of hearing."

3. The order dated 15.02.2016 passed by the learned Civil Judge (Senior Division) 1st Court, Cuttack, now the learned 2nd Additional Civil Judge (Senior Division), Cuttack being in seisin of the matter, arises out of a application under Order VI Rule 17 of the CPC for amendment of plaint. The prayer for amendment of plaint made by the plaintiffs was rejected with the following observations by the learned trial court.

> *"Perused the petition, objection, along with the case record. It is mentioned here that though the fact mentioned in the proposed amendment was within knowledge of plaintiff but they do not take any step at the time of filing of the suit. On perusal of proposed amendment it further reveals that the plaintiff has added new prayer along with new fact which completely change the nature and character of the suit. The proposed amendment changes the cause of action and also displacing the admission of the plaintiff previously made in the plaint. Hence, Considering the above facts and circumstances,*

of the case, I am not inclined to allow the petition and the same stands rejected. Put up on 23.2.2016 for further cross-examination of P.W.1"

4. The reasons stated by the learned trial court may not be faulted with as the facts of the case and the legal provision have been correctly appreciated: but the issue that concerns this Court and also agreed at the Bar by the learned counsel for the parties that by interim order dated 04.03.2016, the further proceeding was stayed by the coordinate Bench and the matter has not progressed any further.

5. Having heard the learned counsel for the petitioners and the learned counsel for the opposite parties who have ably assisted this Court to appreciate the scope of Order VI Rule 17 of CPC, in considered view of this Court, in the interest of justice and also in the best interest of the parties, for expeditious disposal of the suit, the defendant No.1 shall be compensated by payment of cost of Rs.10,000/- (Rupees ten thousand) by 17.11.2026 to be deposited by the plaintiffs before the learned court in seisin of the matter to be disbursed in favour of the defendant no.1.

6. It is further directed and clarified that upon deposit of the cost, amendment of the plaint shall be allowed.

All the defendants have the liberty to file additional written statement and evidence in response to the amendment as would be deemed fit and proper by the defendants.

The suit shall be relegated back to the stage of amendment and shall be expedited being of the year 2002.

7. Learned counsel for the opposite party no.1 brings notice of this Court the order dated 27.08.2014 passed by the coordinate in W.P.(C) No.14829 of 2010 wherein directions were issued *"....Accordingly, as the suit is of the year 2002, this Court directs for disposal of the same as expeditiously as possible, preferably by end of March, 2015. The parties shall cooperate for disposal of the suit....*

Now, since interim order operated in the present CMP from 04.03.2016 as noted above the suit has languished despite the order of this Court dated 27.08.2014.

8. It is, therefore, directed that the parties shall cooperate and shall not seek any unnecessary adjournments. The trial court shall make all endeavour for early disposal of the suit.

9. The CMP is disposed of.

Interim order dated 04.03.2016 passed in Misc. Case No.344 of 2016 stands vacated.

10. Copy of this order shall be forwarded to the learned 2nd Additional Civil Judge (Senior Division), Cuttack to be kept in records of T.S. No.97 of 2002.

(Mruganka Sekhar Sahoo)
Judge

Jyostna

Signature Not Verified
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Signed by: JYOSTNARANI MAJHEE
Reason: Authentication
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Date: 03-Nov-2026 16:11:37