IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1875 of 2026
CNR No. ODHC010818642026

Tikeram Bag **.....** ***Petitioner***

Represented by Adv. - Pramoda Kumar Mishra

-versus-

Banita Nag and others **.....** ***Opposite Parties***

Represented by Adv. –

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA
ORDER
12.11.2026

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).

2. Heard learned counsel for the Petitioner. Perused the CMP application as well as the prayer made therein.

3. By filing the present CMP application under Article 227 of the Constitution of India, 1950, the Plaintiff in the suit vide C.S. No.43 of 2018 pending in the Court of learned Civil Judge, Senior Division, Dharamgarh has approached this Court thereby challenging the impugned order dated 03.10.2026 and 31.08.2026 at Annexure-1 to the CMP application.

4. The learned counsel for the Petitioner, at the outset, contended that the Petitioner, as Plaintiff, had filed the suit seeking a declaration and other ancillary reliefs. The learned counsel for the

Petitioner further submitted that, in the meantime, the trial in the suit has commenced and the suit has been posted for hearing of arguments. He further submitted that, at a belated stage of the suit, it was detected that, inadvertently, the words "Bandhak Bruti" had been mentioned in paragraph No.3(a) of the plaint. The learned counsel for the Petitioner further contended that such narration is erroneous and that, before the arguments could commence, an application was filed before the learned Trial Court seeking amendment of the said words appearing in paragraph No.3(a) of the plaint. However, he further contended that, inadvertently, paragraph No.3(a), in respect of which the amendment was sought, was mentioned as paragraph No.4 in the amendment application. He further contended that the learned Trial Court, vide orders dated 03.10.2026 and 31.08.2026, rejected the prayer of the Petitioner on the ground that no such words are appearing in paragraph No.4 of the plaint. He further contended that the amendment sought for is clarificatory and rectificatory in nature. On such grounds, the learned counsel for the Petitioner submitted that the impugned orders are unsustainable in law and are liable to be set aside.

5. Having regard to the submissions made by the learned counsel appearing for the Petitioner and upon careful examination of the factual background of the case as well as close scrutiny of the impugned orders, this Court is of the view that the Petitioner had earlier filed an application under Order VI Rule 17 of the Code of Civil Procedure, which was rejected on 31.08.2026. For the self-same relief, he had also filed another application, which was rejected on 03.10.2026, as annexed to the CMP application.

6. With the aforesaid factual backdrop, this Court is not inclined to interfere with the impugned order. However, if the mistake in the

plaint is found to be genuine, the Petitioner shall be at liberty to advance arguments on the said issue and adduce such other evidence as may be permissible in law, which shall be duly considered by the learned Trial Court at the time of final adjudication of the suit.

7. With the aforesaid observation and directions, the CMP application stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Binayak

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Signed by: BINAYAK SAHOO
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 13-Nov-2026 12:14:21