



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.319 of 2026

Sri Mahendra Barik and others

Petitioners

Represented by Adv. -
Amit Prasad Bose

-versus-

Sri Swatik Sahoo and others

Opposite Parties

Represented by Adv. -

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

23.02.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioners. Perused the CMP application as well as the prayer made therein.
 3. By filing the present application under Article 227 of the Constitution of India, the defendants in C.S. No.215 of 2022, pending in the Court of learned Civil Judge, Junior Division, Bhadrak have approached this Court, thereby challenging the impugned order dated 05.12.2025 at Annexure-1 passed by the above noted Court, thereby allowing the prayer for amendment of the plaint under Order 6 Rule 17 of the C.P.C.
 4. Learned counsel for the Petitioners at this stage contended that the application for amendment was filed after commencement of the



trial without any pleading with regard to new diligence. The learned trial Court without applying the proviso to Order 6 Rule 17 and without verifying whether the Opposite Parties-plaintiffs were diligent in filing such application for amendment allowed the application.

5. Upon hearing of the learned counsel for the Petitioners, this Court is of the view that the matter requires further consideration in presence of the Opposite Parties. Hence, issue notice to the Opposite Parties by Registered Post/Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

6. List this matter in the week commencing 30.03.2026.

I.A. No.290 of 2026

7. As an interim measure, it is directed that on an application being filed by the Petitioners seeking stay of further proceeding of C.S. No.215 of 2022, the learned trial Court shall do well to adjourn the matter for a period of six weeks.

(Aditya Kumar Mohapatra)
Judge