



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.471 of 2026

Karunakar Mohanty

.....

Petitioner

Represented by Adv. -
Amit Prasad Bose

-versus-

Dillip Sadangi & Anr.

.....

Opposite Parties

Represented by Adv. -

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

ORDER
17.03.2026

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. The plaintiff in CS No.1079 of 2023, pending in the court of learned Civil Judge (Junior Division), Bhadrak, has approached this court by filing the present CMP application under Article 227 of the Constitution of India thereby challenging the impugned order dated 29.01.2026 passed by the abovementioned court. By virtue of the impugned order dated 29.01.2026, the learned trial court has rejected two applications of the plaintiff at Annexure-3 & 5 seeking amendment of the plaint under Order 6 Rule 17.
4. Learned counsel for the Petitioner at the outset contended that initially, the suit was filed by the plaintiff with a prayer for permanent injunction and eviction. He further contended that



during the pendency of the suit an application was also moved at the instance of the defendant under Order 7 Rule 11 of the CPC. The application filed by the defendant for rejection of the plaint under Order 7 Rule 11 of the CPC was rejected by the learned trial court. So far the applications filed by the petitioner with a prayer for amendment of the plaint at Annexure-3 and 5 are concerned, the same have also been rejected by the learned trial court by a cryptic and non-speaking order. He further contended that by virtue of the amendment, the plaintiff-petitioner wanted to enhance the valuation of the suit. However, after such enhancement of the valuation of the suit, the suit would have remained before the very same court. The other application for amendment was filed with a prayer to add Special Planning Authority, Bhadrak, as defendant No.3.

5. On perusal of the impugned order dated 29.01.2026, this Court found that the learned trial court has not considered the applications in detail and that the applications filed by the plaintiff for amendment under Order 6 Rule 17 have been mechanically rejected without there being any discussion with regard to the necessity of such amendment. So far as the issue with regard to the enhancement of the valuation of the suit, this court is of the view that the law is fairly well-settled that the same is required to be gone into by the court even if it is not raised, and, in the event it is found that the suit is undervalued, an opportunity is to be given to the Petitioner to rectify the valuation of the suit. So far as the addition of the party is concerned, the law is fairly well-settled that the plaintiff is the *dominus litis* and, therefore, he can add anybody as a party to the suit. Of course, the same is subject to the discretion of the court.



6. On a careful scrutiny of the impugned order dated 29.01.2026, this court observed that there is no discussion absolutely with regard to the rejection of such applications of the Petitioner at Annexures-3 and 5 filed under Order 6 Rule 17 of the CPC. In such view of the matter, this court is of the view that the order dated 29.01.2026 at Annexure-1 to the CMP application is unsustainable in law and the same is hereby set aside. Further, the matter is remanded back to the learned trial court to reconsider the applications at Annexures-3 and 5, after providing opportunity of hearing to both sides. The applications shall be disposed of by passing a speaking and reasoned order. Let the Petitioner approach the learned trial court within two weeks from today along with a certified copy of today's order.

7. Since the present CMP application is being disposed of without issuing notice to the Opposite Parties, this Court grants liberty to the Opposite Parties to seek variation or modification of today's order. In the event it is found that the petitioner/plaintiff has suppressed any material information or has misled this court in any manner.

8. With the aforesaid observations/ directions, the CMP application stands disposed of.

(A.K. Mohapatra)
Judge

Anil

Signature Not Verified

Digitally Signed
Signed by: ANIL KUMAR SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 18-Mar-2026 10:17:13

