



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.560 of 2026

1) *Ratan Agarwal* *Petitioners*
2) *Mahesh Agarwal*
Represented by Adv. -
Sourav Suman Bhuyan

-versus-

Sasmita Sahoo *Opposite Parties*
Represented by Adv. -

CORAM:
MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.04.2026

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 the Defendant in C.S. No.6617 of 2014 pending in the Court of learned Civil Judge (Jr. Division), First Court, Cuttack has approached this Court challenging order dated 02.02.2026 whereby the learned trial Court has allowed the Plaintiff's application filed under Order 6 Rule 17 of the CPC and permitted the Plaintiff to amend the plaint.
4. Learned counsel for the Petitioner at the outset contended that initially the Plaintiff filed the suit for permanent injunction and for damage for other reliefs in the year 2014. Although the pleadings were completed in the year 2014, the Plaintiff filed an



application under Order 6 Rule 17 on 22.12.2025 seeking amendment of the plaint. He further contended that by virtue of such amendment the Plaintiff seeks to change the nature and character of the suit as he has introduced a claim for relief on the ground of easementary right. He further contended in the event such amendment is allowed, the same will definitely change the nature and character of the suit.

5. Considering such submission, this Court is of the view that the matter requires further examination in presence of the Opposite Parties.

6. Hence, issue notice to the Opposite Parties by Speed Post with A.D. by fixing a short returnable date. Requisites be filed within three working days.

7. List this matter in the week commencing 29.06.2026.

I.A. No.608 of 2026

8. As an interim, let the suit proceed. However, the impugned order dated 02.02.2026 at Annexure-5 shall be kept in abeyance till the next date.

Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge

Sisir