



IN THE HIGH COURT OF ORISSA AT CUTTACK

CMP No.713 of 2026

Amiya Kumar Choudhury

.....

Petitioner

Represented by Adv. –
Mr. Sudeep Kumar
Sarangi

-versus-

***Aruna Kumar Choudhury &
Others***

.....

Opposite Parties

Represented by Adv. -

CORAM:

MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER

06.05.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard Mr. S.K. Sarangi, learned counsel for the Petitioner. Perused the CMP Application as well as the prayer made therein.
 4. The Petitioner being aggrieved by the order dated 21.01.2026 passed by the learned Civil Judge Senior Division (LR & LTV), Berhampur in CS No.132 of 2026, wherein the application filed by the transposed plaintiff under Order 6 Rule 17 of the CPC for amendment of the plaint has been allowed, has approached this court by filing the present CMP application under Article 227 of the Constitution of India
 5. The sole question that falls for determination in the present CMP application was whether the defendant after being transposed as the plaintiff in the suit exercise the power for amendment of the existing plaint under Order 6 Rule 17 of the CPC thereby enlarging



the scope of the suit.

6. Considering the submission, this Court is of the view that the matter requires further examination in presence of the Opposite Parties. Hence, issue notice to the Opposite Party No.1, the transposed plaintiff, by Speed Post with A.D. fixing a short returnable date.

7. Requisites be filed within three working days. Notice to Opposite Party Nos.2 to 16 is dispensed with for the time being.

8. List this matter in the week commencing 29th June, 2026.

I.A. No.704 of 2026

10. Heard learned counsel for the petitioner.

11. As an interim, it is directed that on an application being filed by the Petitioner seeking adjournment in C.S. No.132 of 2021, the learned trial Court shall do well to adjourn the matter for a period of eight weeks.

(A.K. Mohapatra)
Judge

Sipra

Signature Not Verified

Digitally Signed
Signed by: SIPRA MUDULI
Reason: Authentication
Location: High Court of Orissa,
Cuttack
Date: 10-May-2026 12:08:19