



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1343 of 2025

Debadutta Mishra

.... ***Petitioner***

Ms. P. Bastia, Advocate

-versus-

Dillip Kumar Mishra and Others

.... ***Opposite Parties***

Mr. G. Mishra, counsel for O.P. No.4
Mr. M.K. Dash, counsel for O.P. No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
15.12.2025

Order No.

- 04.
1. Heard Ms. P. Bastia, learned counsel for the petitioner, Mr. G. Mishra, learned counsel for opposite party no.4 and Mr. M.K. Dash, learned counsel for opposite party no.1.
 2. Present CMP is directed against impugned order dated 11th April, 2025 of learned Civil Judge, Senior Division, Keonjhar passed in CS No.118 of 2009 wherein the prayer of defendant no.9 to render his additional written statement has been refused.
 3. Upon hearing all the parties and taking note of the admitted fact that the plaintiff was earlier allowed to amend his plaint and consequent thereto defendants 4 and 5 have also amended their written statement, the present petitioner who is defendant no.9 cannot be deprived to present his additional written statement. In this regard the interpretation of earlier order dated 19th April, 2022 of this court passed in CMP No.151 of 2019 does not stand as a bar and the trial court has misinterpreted it to observe that said order debars defendant no.9 to file additional written statement.



4. A thorough reading of earlier order of this court dated 19th April, 2022 does not envisage anywhere to bar any of the parties to amend their pleadings consequently though there is an express statement granted in respect of adducing further evidence by the parties. It is observed here that when the plaintiff and defendants 4 and 5 have amended their respective pleadings in a suit for partition, defendant no.9 should also be allowed to bring his pleadings in response to such amended portion of pleadings by other parties.

5. Therefore, the impugned order dated 11th April, 2025 is set aside and the additional written statement dated 18th November, 2023 filed by the petitioner (defendant No.9) is accepted.

6. The CMP is disposed of as allowed.

(B.P. Routray)
Judge