



IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.1165 of 2023

(In the matter of Petition under Article 227 of the Constitution of India, 1950)

Bansidhar Behera ***Petitioner***

-versus-
Pinakhi Baral & Others ***Opposite Parties***

Appeared in this case by Hybrid Arrangement
(Virtual/Physical Mode):

For Petitioner - Mr. Ranjan Kumar Rout,
Advocate.

For Opposite Parties -Mr. Pratyusha Naidu,
Advocate.

CORAM:
HON'BLE MR. JUSTICE A.C.BEHERA

Date of Hearing :24.03.2026 :: Date of Judgment :24.03.2026

A.C. Behera, J. This Civil Misc. Petition under Article 227 of the Constitution of India, 1950 has been filed by the Petitioner (plaintiff in the suit vide C.S. No.92 of 2022 pending in the Court of learned Civil Judge Senior Division, Pipili in the district of Puri) challenging the order of rejection to his petition under Order-1, Rule-10 read with the Order-6, Rule-17 of the CPC, 1908 for impleadment of *lis pendens* purchasers in the suit vide C.S. No.92 of 2022 passed on dated 14.08.2023.

2. The learned Civil Judge (Sr. Divn.), Pipili has passed the impugned order on dated 14.08.2023 in the suit vide C.S. No.92 of 2022 for the



rejection to the petition under Order-1, Rule-10 read with the Order-6, Rule-17 of the CPC, 1908 of the plaintiff assigning the reasons that,

lis pendens purchasers in the suit is not necessary. That a part, the proposed amendment is not formal in nature.

3. To which, the petitioner/plaintiff challenged by filing this CMP against the opposite parties/defendants.

4. Heard from the learned counsels of both the sides.

5. During the course of hearing, the learned counsels for the petitioner submitted that, the learned trial court should not have rejected to the petition under Order-1, Rule-10 read with the Order-6, Rule-17 of the CPC, 1908 of the petitioner(plaintiff), because such order of rejection to the petition under Order-1, Rule-10 read with the Order-6, Rule-17 of the CPC, 1908 of the petitioner(plaintiff) will encourage multiplicity of litigations between the parties, to which, the learned counsel for the opposite party/defendants objected contending that, though, in the proposed amendment, the petitioner/plaintiff had prayed for setting aside the sale deeds executed in favour of the proposed parties to be impleaded, but there is no assertion in his petition regarding the payment of Court Fees by him (plaintiff) relating to the prayer for setting aside the sale deeds executed by the defendant No.1 and 2 in favour of the proposed



parties to be impleaded. For which, there is no illegality in the impugned order dated 14.08.2023 passed in C.S. No.92 of 2022 by the learned Civil Judge (Sr. Divn.), Pipili. So the question of making interference with the same in this CMP does not arise.

6. The object of insertion of Order-1, Rule-10 and Order-6, Rule-17 of the CPC, 1908 in to the Statute Book is for no other reason, but, only in order to avoid the multiplicity of the litigations between the parties, because it is the duty of a good judge to pass an order which shall avoid the multiplicity of litigations between the parties and a Judge should always try to put an end to the litigation in one suit and not to grow a suit out of a suit.

7. So by applying the above principles of law to this matter at hand, I feel it proper for making interference with the impugned order dated 14.08.2023 passed in C.S. No.92 of 2022 by the learned Civil Judge Senior Division, Pipili through this CMP filed by the petitioner.

8. Hence, the CMP filed by the petitioner is allowed.

9. The impugned order dated 14.08.2023 passed in C.S. No.92 of 2022 by the learned Civil Judge Senior Division, Pipili is set aside.

10. The petition dated 22.04.2023 under Order-1, Rule-10 read with the Order-6, Rule-17 of the CPC, 1908 filed by the petitioner/plaintiff in



the suit vide C.S. No.92 of 2022 is allowed making it clear that, after filing of the amended plaint by the petitioner/plaintiff after serving the copy thereof on the learned counsel for the defendants, rechecking shall be made regarding the requirement of payment of court fees on the basis of the proposed amendment made by the plaintiffs.

11. If payment of Court fees is required, then such additional Court fees shall be paid by the plaintiff within a period of fifteen days from the date of the direction for payment.

12. As such, with the aforesaid observation, this CMP is disposed of finally.

***(A.C. Behera),
Judge.***

Orissa High Court, Cuttack.
24.03.2026//Sumitra Nayak//
Junior Stenographer