



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.1784 of 2025

Agadhu Nayak

.... ***Petitioner***

Ms. S. Das, Advocate

-versus-

***Nadira Rahaman Fattima Siddiqui and
Others***

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

Mr. A.P. Bose, counsel for O.P. No.1

CORAM:
SHRI JUSTICE B. P. ROUTRAY

ORDER
19.12.2025

Order No.

- 04.
1. Heard Ms. S. Das, learned counsel for the Petitioner and Mr. A.P. Bose, learned counsel for opposite party no.1.
 2. Present CMP is directed against order dated 16th August, 2025 of learned 2nd Additional Civil Judge (Senior Division), Bhubaneswar passed in C.S. No.530 of 2004, wherein the prayer of defendant no.11 (present opposite party no.1) to amend his written statement has been allowed.
 3. The plaintiff objects the prayer for amendment mainly on the grounds that, the suit has reached at the stage where the evidence of the plaintiff is continuing and secondly, though the written statement was filed initially in the year 2006 but present amendment is sought for in the year 2025 without explaining due diligence.
 4. It is true that despite the suit was filed in the year 2004, but admittedly plaintiff's evidence has not been completed till date. It is also true that the party seeking amendment under Order 6 Rule 17 of



C.P.C. is required to explain as to discharge of due diligence on his part for not bringing such amendment earlier. But at the same time taking note of the present position of the suit and the nature of amendment, which does not make any substantial difference to the stand of defendant no.11 and is clarificatory in nature, it requires to be treated liberally for proper adjudication of the dispute. Thus the learned trial court has rightly allowed the prayer for amendment of defendant no.11 despite the suit is at the stage of taking evidence from the plaintiff. This court does not find any infirmity in the impugned order to interfere with.

5. Resultantly the CMP is dismissed.

(B.P. Routray)
Judge