



IN THE HIGH COURT OF ORISSA AT CUTTACK
CMP No.119 of 2025

***Jaya Prakash Pradhan and
another***

.....

Petitioners

Represented by Adv. -
Deo Kumar Ajmeria

-versus-

Smt. Sushanti Lugun

.....

Opposite Parties

Represented by Adv. -
M/s. Amit Prasad Bose,
S. S. Swain, D. Sahoo,
D. K. Sethi

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
25.03.2026

Order No.

- 02.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioners as well as the learned counsel for the Opposite Party. Perused the CMP application as well as the prayer made therein.
 3. The defendant in C.S. No.63 of 2020 pending in the Court of learned Senior Civil Judge (LR & LTV), Sambalpur has approached this Court by filing the present CMP application challenging order dated 24.10.2024.
 4. On perusal of the impugned order dated 24.10.2024, it appears that the learned trial Court has allowed an application filed by the plaintiff under Order-6 Rule-17 of the CPC, thereby permitting the plaintiff to incorporate the description of the suit scheduled land. It further appears that prior to the filing of the aforesaid application



under Order-6 Rule-17 of the CPC the defendants filed an application under Order-7 Rule-3 of the CPC before the learned trial Court which was initially rejected. Thereafter, the defendants preferred a revision bearing Civil Revision No.1 of 2021. The said revision petition was disposed of by the learned District Judge, Sambalpur vide order dated 05.08.2023. On perusal of the order, it appears that the learned Revisional Court has set aside the impugned order of the trial Court and the matter was remanded back to the learned trial Court to consider the application under Order-7 Rule-3 of CPC. While such application under Order-7 Rule-3 of CPC was pending for consideration the present application was filed seeking amendment of the plaint by the plaintiff.

5. Learned counsel for the Opposite Party-plaintiff at this juncture contended that the application filed by the defendants under Order-7 Rule-3 of CPC has already been disposed of in the meantime. Such submission was seriously disputed by the learned counsel appearing for the defendants-Petitioners.

6. Accordingly, parties are directed to file their respective affidavits clarifying the position with regard to the pending application under Order-7 Rule-3 of CPC within a week.

7. List this matter in the week commencing 13.04.2026.

8. Interim order passed earlier vide order dated 17.02.2026 shall continue further for a period of three weeks.

(Aditya Kumar Mohapatra)
Judge