

(2021) 07 OHC CK 0175
In the Orissa High Court
Case No : CMP NO. 87 Of 2021

Manmohan Chakrabarty And Another	Vs	APPELLANT
Rabindra Chakrabarty And Others		RESPONDENT

Date of Decision : 20-07-2021

Acts Referred:

Code Of Civil Procedure, 1908 — Order 6 Rule 17

Citation : (2021) 07 OHC CK 0175

Hon'ble Judges : K.R. Mohapatra, J

Bench : Single Bench

Advocate : Prafulla Chandra Rath

Final Decision : Disposed Of

Judgement

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K.R. Mohapatra, J

1. This matter is taken up through video conferencing mode.
2. The Petitioners in this CMP seek to assail the order dated 6th February, 2020 (Annexure-1) passed by learned Additional Civil Judge (Senior Division), Bhadrak in C.S. No. 357 of 2016-I, whereby their application under Order VI Rule 17 C.P.C. for amendment of the plaint was partly allowed refusing certain proposed amendments.
3. In course of hearing, Mr. Rath, learned counsel for the Petitioners submits that interests of justice will be best served, if the Plaintiffs-Petitioners file a petition for withdrawal of the suit with liberty to file a fresh suit with better particulars.
4. Taking into consideration the submission made by Mr. Rath, learned counsel for the Petitioners, this CMP is disposed of with an observation that in

the event the Petitioners file an application for withdrawal of the suit seeking liberty to file a fresh suit, learned Additional Civil Judge (Senior Division),

Bhadrak shall do well to consider the same in accordance with law keeping in mind the ratio decided in the case of Trinath Basantray and another

â"v- Sk. Mohamood and another, reported in AIR 2019 Orissa 78 and giving opportunity of hearing to the parties concerned.

5. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order

available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide

Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.