

02. 30.06.2017 The petitioner has filed this application questioning the order of rejection of the petition for amendment of the written statement filed by him in C.P. Case No. 273 of 2015.

Heard learned counsel for the petitioner and perused the order.

On going through the order it is seen that the petition for amendment of the written statement filed by the petitioner before the learned Judge, Family Court, Jajpur in C.P. No. 273 of 2015 has been rejected by order dated 16.05.2017, since at the time of call, neither the petitioner nor his counsel was there to move the petition.

In such state of affair, learned Judge, Family Court has rejected the petition obviously without going to decide it on merit.

Learned counsel for the petitioner submits that though petitioner had filed the memo of appearance on that particular date, for unavoidable circumstances, learned counsel for the petitioner could not remain present in the court and therefore such rejection of the petition has been the ultimate result. In view of that he merely urges for remand of the matter to the learned court below for reconsideration.

Considering the submission and viewing the limited nature of grievance, without expressing any opinion on the merit of the petition for amendment of W.S. filed by the petitioner, this writ application is disposed of directing the learned Judge, Family Court, Jajpur to reconsider the petition for amendment of the W.S. filed by the petitioner and dispose of the same on merit after hearing so as to proceed further in the C.P. Case No. 273 of 2015 for its disposal in accordance with law.

The writ application stands accordingly disposed of. The petitioner is directed to remain present in the court below on 20.07.2017 to receive further instruction in the matter.

Liberty is given to the opposite party to approach this Court in the event, she feels aggrieved by this order and if so advised.

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D. Dash, J.

