

HIGH COURT OF TRIPURA

AGARTALA

CRP No. 42 of 2021

Sri Pradip Kr. Deb & Ors.

Petitioner(s)

Versus

***Legal heirs of Sri Narayan Natta,
Sri Abhijit Natta & Ors.***

Respondent(s)

For Petitioner(s) : Mr. P. K Dhar, Senior Advocate
Mr. R. Debnath, Advocate

For Respondent(s) : Mr. S. Bhattacharjee, Advocate
Mrs. P. Dhar, Advocate
Mr. John Debbarma, Advocate

Along with
CRP No. 44 of 2021

Sri Pradip Kr. Deb & Ors.

Petitioner(s)

Versus

Sri Bhulu Natta & Ors.

Respondent(s)

For Petitioner(s) : Mr. P. K Dhar, Senior Advocate
Mr. R. Debnath, Advocate

For Respondent(s) : Mr. S. Bhattacharjee, Advocate
Mrs. P. Dhar, Advocate
Mr. S. Saha, Advocate
Mr. John Debbarma, Advocate

Date of hearing : 05.02.2024.

Date of delivery of
Judgment & Order : 05/02/2024

Whether fit for reporting : NO

BEFORE
HON'BLE MR. JUSTICE T. AMARNATH GOUD

J U D G M E N T & O R D E R (Oral)

The Civil Revision Petition No.42 of 2021 has been filed under Article 227 of the Constitution of India for reversing/setting aside/modifying the order dated 06.11.2019 passed by the learned Civil Judge (Senior Division),

Court No.1, West Tripura, Agartala in Misc. (Ex.) 19 of 2017 arising out of Ex.(T) 11 of 2017 disposing the case in view of the order dated 06.11.2019 allowing Misc.(Ex) 05 of 2018. The Subsequent CRP No. 44 of 2021 has been filed under Article 227 of the Constitution of India for reversing/setting aside/modifying the order dated 06.11.2019 passed by the learned Civil Judge (Senior Division), Court No.1, West Tripura, Agartala in Misc. (Ex.) 20 of 2017 arising out of Ex.(T) 11 of 2017 disposing the case in view of the order dated 06.11.2019 allowing Misc.(Ex) 05 of 2018.

2. The brief fact of both the cases are that predecessor of the petitioners filed Title Suit No. 03 of 2002 which was decreed by Learned Trial Court and appeal was preferred by some of the respondents which was partly allowed and RSA No. 91 of 2011 arose which was decided in favour of the petitioners who were substituted on the death of their predecessor and the petitioners filed Ex(T) 11 of 2017 for execution of decree and the respondents separately filed objection and application etc. which were registered as Misc. (Ex) 05 of 2018 , Misc. (Ex) 18 of 2017, Misc. (Ex) 19 of 2017 and Misc. (Ex) 20 of 2017. Learned Executing Court passed order dated 06.11.2019 in Misc.(Ex) 05 of 2018 holding that the decree in question was not executable and in view of such order, all other Misc.(Execution) cases were disposed of and the main Ex(T) 11 of 2017 was dismissed and therefore, the petitioners have come up with the instant application under Article 227 of the Constitution of India against order dated 06.11.2019 passed by Learned Executing Court below in Misc. (Ex) 19 of 2017 and Misc.(Ex)20 of 2017.

3. Since the subject matter involved in both this revision petitions are similar, the same are taken up together for hearing and disposal.

4. Heard Mr. P. K Dhar, learned senior counsel assisted by Mr. R. Debnath, learned counsel appearing for the petitioners in both the revision petition. Also heard Mrs. P. Dhar, learned counsel and Mr. John Debbarma,

learned counsel appearing for their respective respondents. Mr. S. Bhattacharjee, learned counsel and Mr. S. Saha, learned counsel also appear for their respective respondents in both the revision petition and perused the evidence on record.

5. Both the present CRPs are heard together. After considering the objections of both sides, this Court is of the opinion that the present matters needs a fresh consideration. As such, in terms of the objection raised by both the parties, these present matters are remanded back to the Court below for passing detailed and speaking order considering the objection of both sides. Both parties are at liberty to take appropriate steps before the Court below. Accordingly, the impugned order dated 06.11.2019 is set aside and remanded back to Court below for adjudication in the terms of the above directions.

6. With the above observation and direction, these present CRPs stand disposed of. Stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

Paritosh

**SABYASACHI
I GHOSH**

Digitally signed by
SABYASACHI GHOSH
Date: 2024.02.08
17:32:36 +05'30'