

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.61 of 2024

Smt. Arati Baishya, W/o: Lt. Tajendra Baishya, R/o: Vill Chinaihani, P.S:
Airport, Dist: West Tripura

.....Petitioner(s);

Versus

1. Smt. Anjana Ghosh, W/o: Sri Rakhal Ghosh
 2. Smt. Rekha Ghosh, W/o: Sri Bimal Ghosh
 3. Sri Samir Ghosh, S/o: Sri Rakhal Ghosh
 4. Sri Bimal Ghosh, S/o: Lt. Ramani Ghosh
 5. Smt. Khela Ghosh, W/o: Sri Amal Ghosh
 6. Smt. Prabha Ghosh, D/o: Lt. Ramani Ghosh, W/o: Subal Ghosh
 7. Sri Subal Ghosh, S/o: Unknown
- All are residents of Vill: Chinaihani, P.O & P.S: Airport, Agartala, West Tripura
8. Sri Rakhal Ghosh @ Rakhal Gope, S/o: Lt. Ramani Mohan Gope
 9. Sri BimalGhosh @ Bimal Gope, S/o: Lt. Ramani Mohan Gope.
 10. Sri Amal Ghosh @ Amal Gope, S/o: Lt. Ramani Mohan Gope
 11. Smt. Gita Gope (Ghosh), D/o: Lt. Ramani Mohan Gope, W/o: Sri Shyamal Ghosh
 12. Smt. Prabha Gope (Ghosh), D/o: Lt. Ramani Mohan Gope, W/o: Subal Ghosh.
- Respondent no 8-12 are residents of Chinaihani, P.O & P.S: Agartala, Dist: West Tripura
13. Sri Tapan Ghosh @ Tapas Gope, S/o: Lt. Anil Ghosh @ Anil Gope
 14. Sri Ratan Ghosh @ Ratan Gope, S/o: Lt. Anil Ghosh @ Anil Gope
- Respondents no 13 & 14 are residents of Jagi Road, P.S: Jagiroad, Dist: Morigaon, Assam

.....Respondent(s)

For Petitioner(s) : Mr. P. Roy Barman, Sr. Advocate,
Ms. A. Debbarma, Advocate.

For Respondent(s) : Mr. Manoj Debnath, Advocate,
Mr. Sudipta Sekhar Debnath, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

06/09/2024

Heard Mr. P. Roy Barman, learned senior counsel for the petitioner and Mr. Sudipta Sekhar Debnath, learned counsel for the respondents.

2. By the impugned order dated 27.03.2024 passed in Civil Misc 19 of 2024, the learned District Judge, West Tripura, Agartala has, at the instance of the defendants, withdrawn T.S. 19 of 2019 from the Court of learned Civil Judge (Sr. Division), Court No.1, West Tripura, Agartala and transferred it to the Court of learned Civil Judge (Sr. Division), Court No.2, West Tripura, Agartala under Section 24 read with Section 151 of the Civil Procedure Code where T.S. 121 of 2020 is pending.

3. Mr. P. Roy Barman, learned senior counsel for the petitioner, submits that petitioner is the plaintiff in T.S. 19 of 2019 and the impugned order has been passed without any notice to the plaintiff. Moreover, respondents No.8 to 12 in T.S. 121 of 2020 are not parties in T.S. 19 of 2019. Both the title suits are in relation to separate units. Moreover T.S. 19 of 2019 is at the stage of evidence. Therefore, plaintiff has approached this Court being aggrieved by the impugned order of transfer passed without service of notice which is the requirement of law under Section 24 of the CPC.

4. Mr. Sudipta Sekhar Debnath, learned counsel for the respondents, does not dispute that the impugned order has been passed without any notice to the plaintiff of T.S. 19 of 2019. He however submits that in case this Court is inclined to interfere in the order, the learned Court of District Judge, West Tripura, Agartala be directed to decide the transfer application i.e. Civil Misc 19 of 2024 in accordance with law, of course after giving due notice to the opposite party.

5. I have considered the submission of learned senior counsel for the parties and gone through the relevant records placed by them as also the impugned order. Since it is not in dispute that the impugned order dated 27.03.2024 has been passed for transfer of T.S. 19 of 2019 without notice to the plaintiff in the said case, it requires interference. It was incumbent upon the learned District Judge to at least give a notice to the other side in compliance of the provisions of law and the principles of natural justice as well.

6. In that view of the matter, the impugned order is set aside. The matter is remitted to the learned District Judge, West Tripura, Agartala to hear the parties and pass a fresh order in Civil Misc 19 of 2024 in accordance with law within a reasonable time, preferably 4(four) weeks from the date of receipt of copy of this order. Needless to say, parties will cooperate.

7. With the aforesaid observations and direction, the instant revision petition is disposed of.

(APARESH KUMAR SINGH), CJ

Pijush/

MUNNA SAHA

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