

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.2 of 2025

1. Msmt. Aleja Begam, W/o Late Chayeb Ali, resident of No.2 Chandra Nagar, P.O-Chandra Nagar, Pin-799102, Police Station Bishalgarh, District-Sipahijala.
 2. Msmt. Shahida Begum, W/o Md. Abdul Hamid, resident of village – Kalshimura, Post Office – Kalshimura, Pin-799106, District-Sipahijala.
 3. Msmt. Roshida Begum, W/o Ektiar Hossain, resident of 2 Chandanagar, Bishalgarh, PO-Chandanagar, Pin-799102, Police Station – Bishalgarh, District – Sipahijala.
- Petitioner(s).

V E R S U S

1. Md. Abu Taher, S/o Late Chayeb Ali, resident of No.2 Chandra Nagar, P.O- Chandra Nagar, Pin-799102, Police Station – Bishalgarh, District-Sipahijala.
 2. Tripura Board of Wakf, represented by its Executive Officer, having its office at Old Secretariat Building, P.O. Agartala, District – West Tripura.
- Respondent(s).

For Petitioner(s) : Mr. Dalit Kalai, Advocate.

For Respondent(s) : Mr. Dipak Deb, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

19/03/2025

Heard Mr. Dalit Kalai, learned counsel for the petitioners and Mr. Dipak Deb, learned counsel for the respondent No.1.

Mr. Dalit Kalai, learned counsel for the petitioners submits that the amendment application filed on 25.04.2024 in T.S. (P) 13 of 2021 for insertion of the alias name of the plaintiff No.1 i.e. “alias Aleja Khatoon” along with “Msmt. Aleja Begam” and for introduction of the word “Defendant No.1” in place of “Plaintiff” at Page 10 of the plaint in the second line of subparagraph 15(vi) has been rejected by the impugned order dated 27.11.2024 on the ground that it has been made after considerable delay at the stage of cross-examination of plaintiff witnesses. Learned counsel for the petitioners submits

that the alias name of the Msmt. Aleja Begam has been clearly mentioned at paragraph-3 of the plaint where it is stated that after pronouncement of Talak to first wife, Chayeb Ali married the plaintiff No.1, Msmt. Aleja Begam who was also known as Aleja Khatoon. Moreover, in paragraph-15(vi) inadvertently while enlisting the documents to be submitted along with the plaint, there is an inadvertent error. Instead of the word plaintiff it should be defendant No.1. Paragraph-16 of the plaint clearly shows that all other documents except the sale deed dated 16.05.2008 which is in the custody of the defendant No.1 have been shown in the list of the documents. Only the photocopy of the registered sale deed dated 16.05.2008 instituted by Chayeb Ali in the name of plaintiff No.2, being not in the custody of the petitioners, could be submitted along with the list of documents. It is submitted that this fact was discovered at the time of the examination-in-chief of the plaintiff No.1. The trial has not progressed to considerable extent. Therefore, the delay is not inordinate and the amendments, if allowed, would not change the nature and character of the suit. Therefore, the impugned order may be set aside.

Mr. Dipak Deb, learned counsel for the respondent No.1 has opposed the prayer. He submits that the plaintiffs are trying to introduce a new name in the cause title in order to gain an advantage when the trial has progressed to a considerable extent. Later applications filed during the course of the proceedings would also show that the plaintiff never sought such an amendment. The case is at the stage of cross examination of PWs. Therefore, the learned trial Court has rightly rejected the prayer as they are not in accordance with the provisions of Order VI Rule 17 of the CPC.

I have considered the submissions of the learned counsel for the parties and taken note of the materials placed from record. It appears that alias name of plaintiff No.1 i.e. 'Aleja Khatoon' was clearly stated at paragraph-3 of the plaint though in the cause title the same was inadvertently left out at the time of drafting and institution of the suit. Moreover, from a careful reading of the averments made in paragraph Nos.15 and 16 of the plaint it appears that except the sale deed dated 16.05.2008, other documents relied upon by the plaintiff have been submitted along with the list of documents whereas only the photocopy of the registered sale deed dated 16.05.2008 have been submitted. These corrections would not change the nature and character of the suit. This trial is at the stage of cross examination of plaintiff witnesses. As such, it would enable the learned trial Court to determine the real issue in controversy between the parties.

As such, the impugned order is set aside. The amendments referred to above are allowed to be incorporated in the plaint within two weeks subject to payment of cost of Rs.2,000/- in favour of the defendant.

Accordingly, the instant petition is disposed of. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ