

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.06 of 2025

Smt. Rupali Ghosh, W/o Shri Prasanta Ghosh, D/o Late Manoranjan Ghosh,
resident of Paschim Gandhigram, Tebaria, P.O.-Bimangarh, P.S. –Airport,
District-West Tripura, Pin-799015.

.....Petitioner(s)

Versus

1. Shri Sushanta Ghosh, S/o Late Sishu Ranjan Ghosh, resident of Subhas Park, (Nripen Chakraborty Avenue), P.O and P.S. Khowai, District – Khowai Tripura, Pin-799201.
2. Shri Debanta Ghosh, S/o Late Sishu Ranjan Ghosh, resident of Ganki (Near Ananda Marg School), P.O- Ganki, P.S-Khowai, District-Khowai Tripura, Pin-799201.

.....Respondent(s).

For Petitioner(s) : Mr. Bibek Banerjee, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

29/01/2025

The present petitioner claims herself to be one of the legal heirs of Manoranjan Ghosh who was one of the co-sharers of the suit land that is T.S. No.08/2019 instituted by the plaintiff-Shri Sushanta Ghosh/respondent herein. She has sought to be impleaded as defendant therein by way of an application under Order – 1 Rule – 10(2) of the CPC on the ground that the plaintiff therein has sought for a declaration as sole title holder of the suit land by virtue of a sale deed executed on 05.02.1996 by other legal heirs of Manoranjan Ghosh. Apart from the petitioner, her sister, Smt. Apan Ghosh had also not executed the sale deed to transfer their share of land to the plaintiff. That application has been rejected by the learned Civil Judge (Sr. Div.), Court No.1, Khowai Tripura vide order dated 20.11.2024 against which the present revision petition has been preferred.

Apart from the above averments, petitioner has also contended that she has filed T.S. No.17/2021 pending before the Court of learned Civil Judge (Jr. Div.), Khowai Tripura for cancellation of the sale deed dated 05.02.1996 bearing No.1-218. It is submitted that the application of the petitioner for impleadment has been rejected on erroneous grounds as in case a decree is passed in favour of the plaintiff/respondent No.1 herein the whole purpose of T.S. No.17/2021 instituted by the present petitioner for cancellation of the sale deed would be frustrated. Petitioner's sister, Smt. Apan Ghosh however, has not filed any application for impleadment in T.S. No.08/2019.

On being specifically asked, Mr. Bibek Banerjee, learned counsel for the petitioner submits that in such circumstances the petitioner should seek transfer of either of the two suits to one Court for being tried analogously but no such application has yet been made. He, however, submits that this Court may allow liberty, to make such an application before the District Judge, Khowai for transfer of either T.S. No.17/2021 to the same Court for being tried analogously in order to avoid conflict of decisions when the sale deed dated 05.02.1996 is one and same on which the respondent No.1-plaintiff is claiming ownership and the present petitioner is seeking cancellation thereof.

Mr. Bibek Banerjee, learned counsel for the petitioner submits that in T.S. No.17/2021 filed for cancellation of the sale deed dated 05.02.1996 the plaintiff in T.S. No.08/2019 has been impleaded as defendant.

Having heard the learned counsel for the petitioner in the light of facts noticed above, this Court is of the opinion that the proper course on

behalf of the parties is to seek transfer of either of the suits to be tried by the same Court by making a proper application before the learned District Judge, Khowai. The instant revision petition is accordingly disposed of with liberty to the petitioner to move an appropriate application for transfer of T.S. No.17/2021 to the competent Court so that both the suits can be tried analogously.

In case such an application is made within a period of two weeks from today, the learned Court of District Judge, Khowai Tripura would endeavor to decide it expeditiously after due notice to the concerned parties in accordance with law. It is reported that T.S. No.08/2019 is at an advance stage of examination of defendant witnesses. Needless to say if the suits are tried analogously, petitioner may be at liberty to file a fresh application for impleadment in T.S. No.08/2019 along with her sister-Smt. Apan Ghosh on the grounds stated hereinabove.

As such, the instant petition is disposed of with the aforesaid observations. Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH), CJ