HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA.No.40 of 2025

The Tipperah Tea Corporation Ltd.

…..Appellant

_V_E_R_S_U_S_

The State of Tripura and Others

…..Respondents

For Appellant(s)	:	Mr. S. Bhattacharjee, Advocate.
For Respondent(s)	:	Mr. P. Gautam, Sr. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

_F_I_N_A_L_O_ R_ D_ E_ R_

22.04.2025

The present appeal has been filed under Rule-B(A) (General Rules for Writ Appeals) of Chapter-VIII of the High Court of Tripura Rules, 2023 read with Article-226 of the Constitution of India against order dated 13.05.2024 passed by the learned Single Judge in WP(C) No.357 of 2022.

[2] The appellant has prayed for the following reliefs:

> a. Admit the appeal.
>
> b. Call for the relevant records pertaining to the impugned order dated 13.05.2024 passed in WP(C) No.357 of 2022.
>
> c. After hearing the parties in terms of the grounds set forth above, be pleased to quash/set aside the impugned judgment & order (oral) dated 13.05.2024 passed in WP(C) No.357 of 2022 and thereafter allow this writ appeal."

[3] The case of the appellant is that the appellant has filed the present appeal seeking the relief as stated supra and thereafter by proceeding dated 02.02.2024 there was a direction given to the appellant for amendment in view of the prevailing circumstances. The case was again listed on 13.05.2024 and on the said date the Court observed as under:

> "Heard Mr. R.G. Chakraborty, learned counsel appearing for the petitioners. Also heard Mr. S.S. Dey, learned Advocate General assisted by Mrs. A. Chakraborty, learned counsel appearing for the respondents-State.
>
> From the records, it appears that the amendment sought for by the petitioners in the writ petitions bearing no. WP(C) No.357 of 2022 and WP(C) No.358 of 2022 were allowed on 02.02.2024. But, till today no amended/consolidated writ petition has been filed in proper format before this Court.
>
> Order VI Rule 18 of the Code of Civil Procedure, 1908 lays down that the amended petition must be filed within a period of 14 days from the order of

amendment, if no specific time is allowed by the Court for filing of such amended petition.

Since there is no amended petition before this Court as on today, in my opinion, the petitioner is not serious to pursue the instant matter. Accordingly, the above two writ petitions are dismissed for nonprosecution.

Since WP(C) No.638 of 2018 and WP(C) No.639 of 2018 being tagged with the above two writ petitions were already disposed vide order dated 10.12.2021, no order is required to be passed."

[4] Being aggrieved by the same, the present appeal has been filed by the appellant.

[5] Now it falls for consideration before this Court and for better appreciation of the facts and circumstances of the case, the relevant proceedings are extracted as under:

"Order dated 02.02.2024:

Heard Mr. K. Basu and Mr. Suman Bhattacharya, learned counsel appearing for the applicant. Also heard Mr. S. S. Dey, learned Advocate General assisted by Mrs. A. Chakraborty, learned counsel appearing for respondents No.1 to 5.

The petitioner has filed this amendment application for incorporating certain facts which have caused after the filing of the connected with petition.

Learned counsel appearing for the petitioner has submitted that the facts incorporated will not change the nature and character of the original writ petition.

Learned Advocate General has filed written objection to the said amendment application. However, in his deliberation today before this Court learned Advocate General has submitted that the amendment application may be allowed reserving the right of the respondents to deal and controvert the averments made in the amended writ petition.

I have considered the submissions of learned counsel appearing for the parties to the lis.

Averments made in the schedule of the amendment application are allowed to be incorporated.

Accordingly, the instant interlocutory application for amendment of the connected writ petition stands allowed.

The petitioner is directed to file the amended writ petition and supply the copy of the same to Mr. Dey, learned Advocate General appearing for the respondents No.1 to 5 within a period of 3(three) weeks' from today. The petitioner is also directed to supply the copy of the amended writ petition to learned counsel for the respondent No.6 through Dasti.

The respondents may file counter affidavit and other pleadings within next 2(two) weeks after receipt of the copy of the amended writ petition."

[6] The learned counsel appearing for the appellant failed to comply with the orders passed by the learned Single Judge and also no application has been filed except an application for amendment. But, there was no application for condoning the delay while enclosing the amended plaint/petition and restoration application as contemplated under the CPC. Order-VI Rule-18 of the Code of Civil Procedure, 1908 lays down that the amended petition must be filed within a period of 14 days from the order of amendment, if no specific time is allowed by the Court for filing of such amended petition. For the purpose of reference, the requirement under the provisions of CPC may be extracted hereunder:

> "Rule-18: If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the order, he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, unless the time is extended by the Court."

[7] Since, the appellant has not placed anything on record and failed to draw the attention of this Court but in all fairness the learned counsel submitted before this Court that he has not complied with the Court's order and further challenged the order of this Court passed by the learned Single Judge in WP(C) No.357 of 2022 and others dated 13.05.2024 and prayed to set aside the same by making the submission on merit. The laches was on the part of the appellant for non-compliance of the order and the appellant has not chosen to file any proper application before the learned Single Judge or at least before this Court seeking any appropriate reliefs.

[8] Since, the order which is under challenge is not an order passed under merits, this Court finds that the writ appeal is not maintainable and more so, the appellant has not approach before this Court with clean hands and also there were laches on the part of the appellant for non-compliance of the procedure under CPC. There was an order passed by the learned Single Judge for amendment but the same was not done and subsequently, the same was dismissed for default and thereafter, preferred the present appeal for setting aside the same.

[9] Learned Addl. G.A. represented before this Court that the present appeal is not maintainable as the procedure contemplated under the CPC was not complied with by the appellant and prayed to dismiss the same.

[10] Heard both sides.

[11] In view of above and having gone through the relevant records, it transpires that the amendment sought for by the appellants in the writ petitions bearing No. WP(C) No.357 of 2022 and WP(C) No.358 of 2022 were allowed on 02.02.2024. But, no amended/consolidated writ petition has been filed in a proper format before the Court. Order-VI Rule-18 of the Code of Civil Procedure, 1908 lays down that the amended petition must be filed within a period of 14 days from the order of amendment, if no specific time is allowed by the Court for filing of such amended petition.

[12] After passing of order dated 13.05.2024 was it not the duty of the aggrieved parties to approach before the concerned Court and file proper application. When it is dismissed for default, it was the duty of the parties to file appropriate application seeking restoration along with proper form of writ papers, amended copies and all those relevant applications. If the entire process runs in such a defective manner, the writ Court cannot come to rescue. In view of above, we find no reason to interfere with the order passed by the learned Single Judge and thus, the present appeal stands dismissed.

[13] As a sequel, miscellaneous application, pending if any, shall stand closed.

B. PALIT, J **T. AMARNATH GOUD, J**

A. Ghosh

ANJAN GHOSH Digitally signed by ANJAN GHOSH Date: 2025.04.28 15:26:59 +05'30'