

**HIGH COURT OF TRIPURA
AGARTALA**

***I.A No.1 of 2025 in Review Pet. No.9 of 2025
Review Pet. No.9 of 2025***

1. Smt. Purabi Debbarma Ghosh, Wife of Late Biswajit Ghosh, (Original Applicant in S.A. Mo. 29 of 2019), Vill & P.O: - Salema, Kamalpur, Dist.: -Dhalai, Pin-799278.
2. Gourab Ghosh, Son of Late Biswajit Ghosh, Vill & P.O: - Salema, Kamalpur, Dist.: -Dhalai, Pin-799278.
3. Sourabh Ghosh, Son of Late Biswajit Ghosh, Vill & P.O: - Salema, Kamalpur, Dist: -Dhalai, Pin-799278.

..... Applicant/Petitioner(s).

V E R S U S

1. Tripura Gramin Bank, Head Office-Abhoynagar, Agartala, West Tripura, Pin-799005, (a Joint Undertaking of Govt. of India, United Bank of India and Govt. of Tripura).
2. Authorized Officer, Tripura Gramin Bank, Abhoynagar, Agartala, Tripura, Pin-79900.
3. The Branch Manager, Tripura Gramin Bank (Salema Branch), Dhalai, Tripura, Pin-799278.
4. Sri Mantosh Deb, Son of Late Nripendra Kumar Deb, Resident of Vill, P. O & P.S- Salema, District - Dhalai Tripura, Pin-799278.

..... Respondent(s).

For Applicant/Petitioner(s) : Mr. Prabhat Sil, Advocate,
Mr. Samar Das, Advocate,
Mr. Saugat Datta, Advocate.

For Respondent(s) : Mr. Prabir Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

09/04/2025

Heard Mr. Prabhat Sil, learned counsel, appearing virtually, assisted by Mr. Samar Das, learned counsel on record for the petitioner/applicant and Mr. Prabir Saha, learned counsel for the respondents-Bank on the prayer for condonation of delay of 333 days in preferring the instant review petition No.09/2025.

The review petition is directed against the judgment and order dated 16.02.2024 passed in CRP No.37/2023 by this Court, whereby the prayer of the petitioners for setting aside the order dated 21.06.2023 passed by the learned Debts Recovery Appellate Tribunal (DRAT), Kolkata in Appeal No.37 of 2021, affirming the order dated 21.06.2019 passed by the learned Debts Recovery Tribunal (DRT), Guwahati in S.A. No.29 of 2019, was declined. Petitioners, thereafter, approached the Apex Court in Special Leave to Appeal (C) No.10081 of 2024. The Special Leave to Appeal (C) was dismissed *in limine* by order dated 06.05.2024 which reads as under:

“We are not inclined to interfere with the impugned judgment and hence, the special leave petition is dismissed.
Pending applications, if any, shall stand disposed of.”

It is submitted that thereafter, the certified copy of the order passed in SLP(C) No.10081 of 2024 was communicated by Ms. Kakali Samajpaty to the petitioner in the 1st week of July, 2024. Therefore, the petitioner No.1 approached the learned counsel in Kolkata on 20.07.2024 for further legal advice. However, she refused to take further steps in the matter and asked them to take back the entire case records. The petitioners stated that the petitioner No.1 after receiving the case records from the learned counsel, was in search of new counsel. On 05.08.2024, the petitioners met with counsel Mr. Alok Kumar Singh and handed over him all the case records of the case. The newly engaged counsel sought time to go through the entire case records and asked them to come after two weeks. On 25.08.2024, the petitioners further met the newly engaged counsel who advised them to file a review petition against the judgment and order dated 16.02.2024 passed in CRP No.37 of 2023 by this Court. The petitioners

asked the learned counsel for few days to think about the filing of review petition but unfortunately, in the meantime, the petitioner No.1 fell ill and could not communicate with the learned counsel. On 20.09.2024, they had again approached the said counsel and requested him to take steps for filing of the review petition. The said counsel contacted the learned advocate, Mr. S. Deb, practicing at Agartala, on 27.09.2024. Thereafter, the said counsel sent the relevant papers of the case required for preparation of draft of review petition on 27.10.2024 to Agartala which was received on 14.11.2024 due to Durga Puja Holidays. The learned advocate studied the entire case thoroughly and prepared a review petition and it was sent to Mr. Alok Kumar Singh on 14.12.2024. Mr. Singh made some changes to the draft petition and was further communicated after 05.01.2025. The draft was finalized on 25.01.2025 and prepared to be filed before this Court. The petitioners signed all the papers on 13.02.2025. Thereafter, the petition was filed which has occasioned the delay of 333 days. It is submitted that petitioners have sufficient explanation for the delay. It is not intentional or does not suffer from willful laches on their part. Learned counsel for the petitioners submits that the petitioners have a good case on merits. Therefore, the delay may be condoned.

Mr. Prabir Saha, learned counsel for the respondents-bank has strongly opposed the prayer. He has drawn the attention of the Court to the averments made at paragraph-4 of the interlocutory application and submitted that the SLP was dismissed *in limine*. No other observations have been made by the Apex Court. It is further submitted that after dismissal of the SLP on 06.05.2024, the petitioners claim to have approached two

learned counsel for filing of the review petition. However, the review petition has not been filed by any one of these two learned counsel, instead in their name, the petitioners have sought to explain the delay which is not proper. It is submitted that this Court has, after due consideration of all the materials pleaded and the submission of parties, rightly rejected the CRP No.37/2023. The Hon'ble Apex Court has also refused to interfere in the judgment and not granted any liberty to prefer a review petition.

Mr. Prabhat Sil, learned counsel for the petitioners/applicants submits that in case the SLP is dismissed *in limine* review petition is maintainable.

I have considered the submissions of the learned counsel for the parties and taken note of the averments made in the interlocutory application. The petitioners had challenged the order dated 16.02.2024 passed in CRP No.37/2023 before the Apex Court in Special Leave to Appeal (C) No.10081 of 2024 which was dismissed on 06.05.2024. The time consumed in pursuing their remedy before the Apex Court can be understood. However, the petitioners have sought to explain the delay after passing of the order in SLP by stating that they had approached two different counsel for studying their case and preparation of the review petition. However, the present review petition has been filed not by any one of those two learned counsel. It therefore, does not appear proper on the part of the petitioners to make an excuse on the name of the two learned counsel for the delay in filing the review petition. The petitioners have not been able to explain the delay after passing of the judgment by the Apex Court in Special Leave to Appeal (C) No.10081 of 2024 dated 06.05.2024 till filing

of the review petition on 15.02.2024. In such circumstances, this Court does not find any sufficient cause shown for condoning the delay in preferring the instant review petition. The delay is inordinate and without any sufficient explanation.

Accordingly, the interlocutory application [IA No.1/2025] is dismissed. Consequently, the review petition [Review Pet. No.9/2025] is also dismissed.

Pending application(s), if any, shall stand disposed of.

(APARESH KUMAR SINGH), CJ

