

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
I.A.No.01 of 2025 in RSA 05 of 2025

1. Md. Azim Uddin,
S/O Late Safik Uddin (aged about 48 years)

2. Giyas Uddin,
S/O Late Safik Uddin (aged about 44 years)

3. Fazir Uddin,
S/O Late Safik Uddin (aged about 46 years)

4. Khajir Uddin,
S/O Late Safik Uddin (aged about 50 years)

5. Siyab Uddin,
S/O Late Safik Uddin (aged about 38 years)
All are resident of Vill-Kalagangarpar,
Ward No.4, P.S. Kadamtala, District-North Tripura

-----Applicant(s)

VS

Mst. Newarun Nessa (aged about 64 years),
W/O Md. Manjab Ali
Vill-Kalagangarpar, Ward No.4, P.S. Kadamtala,
District-North Tripura

-----Respondent(s)

For Applicant(s) : Mr. Alik Das, Advocate.

For Respondent(s) : Mr. Ratan Datta, Advocate.
Ms. Saswati Nag, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO
=O=R=D=E=R=

01/12/2025

This application is filed to condone the delay of 160 days in filing this RSA against the order dt. 26.06.2024 in Title Appeal No.27 of 2023 by the Additional District Judge, North Tripura, Dharmanagar.

The appellants are defendants in the suit.

Though the judgment of the Additional District Judge was delivered on 26.06.2024, the appellants had applied for certified copy of the said judgment on 10.02.2025 and after securing it on 18.02.2025 have filed

this appeal on 04.03.2025. Therefore, the appellants cannot contend that the delay in filing the appeal is only 160 days and in fact it is 170 days.

The only reason assigned in the application for condonation of delay is that all the appellants are daily labourers by profession and it is not possible for them to come to Agartala for handing over the case records for preferring the Second Appeal before this Court.

In the Additional Affidavit filed, it is stated that one of the appellants by name Siyab Uddin is employed outside India in the State of Kuwait, and therefore it was not possible to file the appeal within the period of limitation.

The respondents had filed a Counter Affidavit opposing the condonation of delay denying that all the appellants were outside the State. They also contended that even those of them who are present in the State, would have applied for the certified copy of the judgment of the Additional District Judge, but they had not chosen to do so.

I agree with the contention of the counsel for the respondent that no explanation is offered by the appellants as to why they did not even apply for certified copy of the judgment of the Additional District Judge till 10.02.2025. Even if the appellants were not residing within the State, they could have always instructed their lawyer to apply for the certified copy and could have also got the Vokatnama signed in the presence of some Notary in whichever place they are residing, even if they are in abroad, then sent it to their family members and ensured that the appeal filed within the period of 90 days permitted by law. There appears to have been a totally lethargic and negligent attitude on the part of the appellants in pursuing this Second Appeal.

Therefore, this application for condonation of delay is dismissed. Consequently, the appeal is also dismissed.