

**HIGH COURT OF TRIPURA
AGARTALA
RSA No.44 of 2016**

- 1. The Krishi Vigyan Kendra**
Represented by the In-charge,
Krishi Vigyan Kendra
Project of Indian Council of Agricultural Research(I.C.A.R),
Birchandra, Manu, P.S. & P.O-Santirbazar, South Tripura.
- 2. The Union of India,**
Represented by the Secretary
To the Government of India,
Department of Agriculture, New Delhi.

----- Appellants

Versus

- 1. Sri Biplab Kr. Majumder,**
S/O Late Sushil Ch. Majumder.
- 2. Sri Pradip Kanti Majumder,**
S/O- Late Sushil Ch. Majumder.
Both are residents of Village- Birchandranagar,
P.O.-Takmacherra, P.S-Shantir bazaar,
Dist.-South Tripura, Tripura.
- 3. The State of Tripura,**
Represented by the District & Collector,
South Tripura, Udaipur,
P.O & P.S- R.K. Pur, South Tripura.
- 4. The Additional District Magistrate & Collector,**
South Tripura, Udaipur,
P.O. & P.S- R. K. Pur, South Tripura.

----- Respondents

For Appellant(s)	:	Mr. Bidyut Majumder, DSGI.
For Respondent(s)	:	Mr. Suman Bhattacharjee, Adv, Mr. Karnajit De, Addl. G.A.
Date of hearing & delivery of Judgment & Order	:	15.09.2025
Whether fit for reporting	:	YES

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order (Oral)

This second appeal under Section 100 of CPC is preferred
challenging the judgment dated 29.03.2016 and decree dated

30.03.2016 delivered by Learned District Judge, South Tripura, Belonia in connection with Case No.TA/10/2010. By the said judgment and decree, Learned First Appellate Court affirmed the judgment dated 16.07.2010 and decree dated 23.07.2010 delivered by Learned Civil Judge(Junior Division), Belonia, South Tripura in connection with case No.T.S. No.12 of 2009.

2. Heard Learned DSGI Mr. Bidyut Majumder appearing on behalf of the appellant-defendants and also heard Learned Counsel Mr. Suman Bhattacharjee appearing on behalf of the respondent-plaintiffs No.1 and 2 and further heard Learned Addl. G.A. Mr. Karnajit De appearing on behalf of respondent-defendants No.3 and 4.

3. At the time of admission of this appeal, the following substantial questions of law were formulated by this Court vide order dated 10.04.2017:

- i) **Whether the allotment order issued by the Sub-Divisional Officer is valid under the provisions of Tripura Land Revenue and Land Reforms (Allotment of land) Rules, 1962?**
- ii) **Whether during the pendency of the proceeding for cancellation of the allotment before the Collector, South Tripura, a Civil Court has the jurisdiction to declare the right and title on possession of the plaintiffs in view of the bar imposed by Section 44 of the TLR and the LR Act, 1962?**

4. At the time of hearing of this appeal, Learned DSGI appearing on behalf of the appellant-defendants submitted that for proper adjudication of this appeal, one more substantial question of law is required to be formulated. In this regard, after hearing both the sides, it appears that the substantial questions of law formulated by order dated 10.04.2017 would cover the relevant point as raised by Learned

Counsel for the appellants. As such, no further substantial questions of law was framed.

However, Learned DSGI, Mr. Majumder further drawn the attention of the Court that the respondents No.1 and 2 filed one suit for declaration with consequential relief, for perpetual injunction, before the Court of Learned Civil Judge (Junior Division), Belonia, South Tripura which was numbered as TS/12/2019. In the said suit, the present appellants contested the same by filing written statement and adduced evidence on record and finally after conclusion of trial, Learned Trial Court decreed the suit in favour of the respondent-plaintiffs No.1 and 2, excepting issue No.3. Before the Learned Trial Court, the respondent-plaintiffs could not produce and prove the order of allotment on the basis of which, suit land was allotted in favour of the deceased father of the respondent-plaintiffs No.1 and 2 and in absence of the order of allotment, Learned Trial Court decreed the suit in favour of the said respondents, and challenging that judgment, the present appellants, who were the defendants in the main suit, preferred an appeal before the Court of Learned Additional District Judge, Belonia, South Tripura which was numbered as T.A. No.10 of 2010 and by the judgment dated 21.03.2011, Learned Additional District Judge being the First Appellate Court allowed the appeal and was pleased to set aside the judgment dated 16.07.2010 delivered by Learned Trial Court and the consequential decree was prepared accordingly. After that, the respondent-plaintiffs preferred second appeal before this High Court, which was numbered as RSA No.23 of 2011, and this High Court, by judgment dated 09.10.2015, was

pleased to set aside the judgment dated 21.03.2011 and decree dated 25.03.2011 delivered by Learned Additional District Judge, Belonia, South Tripura in connection with case No.T.A. No.10 of 2010, and remanded back the matter again to the Learned District Judge, South Tripura, Belonia for deciding the matter afresh based upon evidence on record within a period of 4(four) months. Thereafter, Learned District Judge, South Tripura, Belonia, heard both the sides and by another judgment dated 29.03.2016, was pleased to uphold the judgment dated 16.07.2010 delivered by Learned Trial Court, and challenging that judgment, the original defendants as appellants have preferred this second appeal again before this High Court.

5. Learned DSGI, Mr. Majumder further drawn the attention of the Court that in absence of document of title, simply on the basis of Khatian, there was no scope on the part of the Learned First Appellate Court to grant decree in favour of the respondent-plaintiffs. As such, the judgment dated 29.03.2016 delivered by Learned District Judge, South Tripura, Belonia is perverse in the eye of law, which needs to be interfered with. Learned DSGI further submitted that from the documents which were relied upon by the present appellants before the Learned Trial Court, and were marked as Exhibits, it is crystal clear that the predecessor of the respondent-plaintiffs and even the present respondent-plaintiffs have/had no possession over the suit land at any point of time, and in absence of any specific relief for granting decree of recovery of possession as required under Section 34 of the Specific Relief Act, there was no scope on the part of the

Learned Trial Court to grant decree in favour of the respondent-plaintiffs.

6. Furthermore, Learned DSGI, Mr. Majumder again submitted that in view of Section 44 of Tripura Land Revenue and Reforms Act, where there was clear bar to entertain any suit on the part of the Civil Court, but the Learned Trial Court without dismissing the suit granted decree in favour of the respondent-plaintiffs, which was not permissible in the eye of law.

7. In support of his contention, Learned Counsel for the appellants relied upon one judgment of the Hon'ble Supreme Court of India reported in **(2019) 10 SCC 259 [titled as Prahlad Pradhan & Ors. vs. Sonu Kumhar & Ors.]** wherein in para No.5, Hon'ble the Supreme Court observed as under:

"5. The contention raised by the appellants is that since Mangal Kumhar was the recorded tenant in the suit property as per the Survey Settlement of 1964, the suit property was his self-acquired property. The said contention is legally misconceived since entries in the revenue records do not confer title to a property, nor do they have any presumptive value on the title. They only enable the person in whose favour mutation is recorded, to pay the land revenue in respect of the land in question. [Bhimabai Mahadeo Kambekar v. Arthur Import & Export Co., (2019) 3 SCC 191 : (2019) 2 SCC (Civ) 21; Narasamma v. State of Karnataka, (2009) 5 SCC 591 : (2009) 2 SCC (Civ) 582; Balwant Singh v. Daulat Singh, (1997) 7 SCC 137; Sawarni v. Inder Kaur, (1996) 6 SCC 223] As a consequence, merely because Mangal Kumhar's name was recorded in the Survey Settlement of 1964 as a recorded tenant in the suit property, it would not make him the sole and exclusive owner of the suit property."

Referring the same, Learned DSGI submitted that entry in revenue records does not confer any title to a property, and as such, in absence of valid title, there was no scope on the part of the Learned First Appellate Court to grant any decree in favour of the respondent-plaintiffs.

8. Reference was also made on another judgment of the Hon'ble Supreme Court reported in **(2012) 8 SCC 148 [titled as Union of India vs. Ibrahim Uddin & Anr.]** wherein in para No.58, Hon'ble the Apex Court, observed as under:

"58. In the instant case, the suit for declaration of title of ownership had been filed, though Respondent 1-plaintiff was admittedly not in possession of the suit property. Thus, the suit was barred by the provisions of Section 34 of the Specific Relief Act and, therefore, ought to have been dismissed solely on this ground. The High Court though framed a substantial question on this point but for unknown reasons did not consider it proper to decide the same."

Referring the same, Learned DSGI appearing for the appellants drawn the attention of the Court that from the enquiry reports which were adduced by the present appellants before the Learned Trial Court and were marked as Exhibits, it was clear that the respondent-plaintiffs have/had no possession over the suit land at any point of time and as such, in absence of any specific relief under Section 34 of the Specific Relief Act, there was no scope on the part of Learned First Appellate Court and the Learned Trial Court to grant any decree in favour of the respondent-plaintiffs.

9. Learned DSGI further referred another citation of Hon'ble Supreme Court of India reported in **(1996) 6 SCC 223 [titled as Sawarni (Smt) vs. Inder Kaur (Smt) & Ors.]**, wherein in para No.7, Hon'ble the Apex Court observed as under:

"7. Having heard the learned counsel for the parties and having scrutinised the judgment of the trial Judge as well as that of the lower appellate court, we find sufficient force in all the contentions raised by the learned counsel for the appellant. At the outset, it may be noticed that the plaintiff had filed the suit claiming half interest for herself and claiming half interest in favour of the husband and sons of Roori and, therefore, the learned Additional District Judge was wholly in error to hold that the plaintiff could not have filed the suit in question. In view of the rival stand of the parties the main question that arose for consideration was whether Roori was the daughter of Gurbax Singh or Inder Kaur, Defendant 5 was the daughter of the same Gurbax Singh? The learned trial Judge after elaborate discussion of

the evidence on record both oral and documentary came to the positive conclusion that it was Roori who was the daughter of Gurbax Singh as alleged by the plaintiff and not Inder Kaur. The lower appellate court without focusing its attention on the weighty reasons advanced by the trial court and without examining the materials on record in that respect even did not set aside the said finding of the trial Judge and yet reversed the decree of the trial Judge. We have no hesitation to come to the conclusion that the said judgment of the Additional District Judge is wholly unsustainable in law. The crucial point being as to who was the second daughter of Gurbax Singh, namely Roori or Inder Kaur, and the trial Judge having come to the positive conclusion that it was Roori who was the second daughter of Gurbax Singh, the lower appellate court was not justified in not considering the material evidence as well as the reasons advanced by the trial Judge and merely coming to the conclusion that the evidence on the file does not prove Roori to be the daughter of Gurbax Singh. Further, the lower appellate court has not come to any positive finding that Inder Kaur was the daughter of Gurbax Singh. He has been swayed away by the so-called mutation in the revenue record in favour of Inder Kaur. Mutation of a property in the revenue record does not create or extinguish title nor has it any presumptive value on title. It only enables the person in whose favour mutation is ordered to pay the land revenue in question. The learned Additional District Judge was wholly in error in coming to a conclusion that mutation in favour of Inder Kaur conveys title in her favour. This erroneous conclusion has vitiated the entire judgment. That apart, as it would be seen, the learned trial Judge had considered the oral evidence adduced on behalf of the parties to establish the respective stand as to who was the second daughter of Gurbax Singh and on perusal of the same came to the conclusion that it was Roori who was the second daughter of Gurbax Singh. The Additional District Judge has not even discussed anything about the said oral evidence and the reasonings advanced by the learned trial Judge in coming to the conclusion that it was Roori who was the second daughter of Gurbax Singh. Non-consideration of the oral evidence adduced by the parties, by the lower appellate court vitiates the ultimate conclusion on the question whether Roori was the daughter of Gurbax Singh or not. It is further seen that Gurdip Kaur, widow of Gurbax Singh had executed a Will in respect of the entire estate in favour of the plaintiff and Roori and after the death of Gurdip Kaur a succession certificate had been issued by the civil court under the Indian Succession Act, 1925 in favour of the plaintiff and the said Roori. The said succession certificate and rights flowing therefrom cannot be ignored. Admittedly no attempt has been made by Defendants 1 to 4 to annul the succession certificate on the grounds available under the Succession Act. The Additional District Judge committed serious error of law in not considering the said Will and the succession certificate in question which unequivocally clinches the matter and thereby the ultimate judgment of the Additional District Judge is vitiated. The High Court also was in error in not examining these questions and dismissing the second appeal in limine."

Referring the same, Learned DSGI for the appellants further drawn the attention of the Court that entry in revenue records does not create or extinguish title, nor has it any presumptive value on

title. Here in the case at hand as already stated the respondent-plaintiffs could not produce or prove any document of title in favor of their ownership over the suit land and as such, just on the basis of khatian, they cannot claim any title over the suit land but the Learned Courts below misconceived or misinterpreted the settled position of law and granted decree in favour of the respondent-plaintiffs which needs to be interfered with.

10. Learned DSGI appearing on behalf of the appellants also referred another citation of the Hon'ble Supreme Court of India reported in **(2019) 6 SCC 82 [titled as Jagdish Prasad Patel (Dead) through Legal Representatives & Anr vs. Shivnath & Ors.]** wherein in para Nos.15 and 44, Hon'ble the Apex Code observed as under:

"15. Section 58 of the Evidence Act, no doubt, postulates that the things admitted need not be proved. However, the proviso to Section 58 of the Evidence Act gives full discretion to the court to require the facts admitted to be proved otherwise than by such admission. When the respondent-plaintiffs have filed the suit for declaration of their title, the respondent-plaintiffs cannot isolate few sentences in the written statement and take advantage of only those parts of the written statement which are favourable to them. The written statement filed by the appellant-defendants has to be read in toto. It is pertinent to note that in para 2 of the written statement, the appellant-defendants averred that the lands were in the ownership of Ram Raj Singh at the time of the settlement, but because he was not in a position to cultivate the same himself, the lands were given to the father of the respondent-plaintiffs for cultivation on the basis of Batai-crop sharing. It is further averred that the then Halkedar cancelled the lease in respect of disputed lands and the same were auctioned in which the bid of the defendants' father Gaya Din was accepted and the disputed lands were transferred in his name in the sale in Samvat 1986 i.e. 1929 A.D. The lease of the lands was issued in the name of Gaya Din. The admission of the defendants as to the lease of the plaintiffs' father was the lease earlier granted in favour of the forefathers of the respondents. In the light of the pleadings and the oral and documentary evidence adduced by the defendants, notwithstanding the admission in the written statement, the burden lies upon the respondent-plaintiffs to prove that the patta-lease continues to be in their favour and that they are the holders of patta and that they are in continued possession of the suit properties.

44. In the suit for declaration of title and possession, the respondent-plaintiffs could succeed only on the strength of their own title and not on the weakness of the case of the appellant-defendants. The burden is on the respondent-plaintiffs to establish their title to the suit properties to show that they are entitled for a decree for declaration. The respondent-plaintiffs have neither produced the title document i.e. patta-lease which the respondent-plaintiffs are relying upon nor proved their right by adducing any other evidence. As noted above, the revenue entries relied on by them are also held to be not genuine. In any event, revenue entries for few khataunis are not proof of title; but are mere statements for revenue purpose. They cannot confer any right or title on the party relying on them for proving their title."

Referring the same, Learned DSGI submitted that it is already established beyond doubt that the respondent-plaintiffs before the Learned Trial Court could not produce and prove any document in support of their title over the suit land. So, in such a situation, the ownership of the predecessor of the respondent-plaintiffs cannot confer any title of ownership over the suit property as claimed by the respondent-plaintiffs.

11. Finally, in summing up, Learned DSGI for the appellants submitted that since the Learned First Appellate Court overlooked the title of the respondent-plaintiffs which they failed to prove before the Learned Trial Court and granted decree in favour of the respondent-plaintiffs for which the decree delivered by Learned First Appellate Court cannot be sustained in the eye of law. and furthermore, there was no scope on the part of the Civil Court to entertain the suit during pendency of the revenue proceeding for cancellation of allotment and since the predecessor of the respondent-plaintiffs and the respondent-plaintiffs did never possess the suit land and as such, as per guideline of the Tripura Land Revenue and Land Reforms Allotment of Land Rules 1962, the allotment was liable to be cancelled for which the revenue authority rightly drawn up the proceeding which is still

pending for adjudication and in such a situation, the judgment of the Learned First Appellate Court is perverse, not binding upon the present appellants and cannot be sustained as per law and as such, the same is liable to be set aside and dismissed.

12. On the other hand, Learned Counsel for the respondent-plaintiffs, Mr. Suman Bhattacharjee first of all drawn the attention of the Court, referring the plaint, wherein the respondent-plaintiffs, sought for declaration of the revenue proceeding pending before the Revenue Court as illegal, void, inoperative and without jurisdiction. Learned Counsel also drawn the attention of the Court referring the written statement submitted by the appellant-defendants before the Learned Trial Court, wherein in para No.23(C) and 23(E), the appellants specifically admitted the title of predecessor of the respondent-plaintiffs over the suit land, and as such, according to Learned Counsel for the respondent-plaintiff in view of Section 58 of Indian Evidence Act at this stage, there is no scope on the part of the present appellants to raise this issue that the judgment of Learned Courts below are perverse on the ground that the document in respect of title over the suit land could not be produced and proved by the respondent-plaintiffs. Learned Counsel further submitted that by the act of the appellant-defendants, the appellants are/is estopped from raising this issue before this Court at this point of time.

13. Learned Counsel further drawn the attention of the Court, referring the judgment dated 09.10.2015 delivered by this High Court in connection with **RSA No.23 of 2011** titled as **Sri Biplab Kr. Majumder & Anr. vs. The State of Tripura & Ors.**, wherein this

High Court discussed all the relevant points and in para No.14 of the said judgment, this High Court observed as under:

"14. The plaintiffs instituted the suit claiming title over the suit land by virtue of an order of allotment but no such order of allotment proved by the plaintiffs. Nothing also stated by the plaintiffs in their pleadings or evidence as to why they did not and/or could not produce the order of allotment. They claimed their title based on Exbts.1, 2 and 3 which are finally published khatians and those khatians show that those were prepared pursuant to allotment of land in the name of Sushil Chandra Majumder.

Admittedly, the revenue authority initiated proceeding for cancellation of allotment which suggests that there was an order of allotment and otherwise there was no question of having initiating a proceeding for cancellation of allotment. The defendants could not come out with any better document to show that the suit land was settled in their names than that of the plaintiffs who have come up before the Court with finally published khatians which have presumptive value as per Section 43(3) of the TLR & LR Act, 1960. So the plaintiffs have established their right, title and interest in the suit land by producing the khatians which are documents of better appreciation than that of the documents produced by the defendant No.4. The defendant No.4 only relied on Exbt.A, i.e. a true copy of handing over and taking over of possession but the copy shows that the possession was handed over by Deputy Collector, Santirbazar Revenue Circle to the Superintendent of Agriculture, Bagafa on 29.01.1985 and there is an entry at the bottom handing and taking over dated 28.03.1985 and the handing over was done by Superintendent of Agriculture and there is nothing in that copy as to who had taken over the possession. Any way Exbt.A is a true copy and not the original document. Those two persons have not been examined. So the defendant No.4 could not come out with any better document to controvert the finally published khatians prepared in the name of Sushil Chandra Majumder and subsequently in the name of the plaintiffs.

The trial Court as well as the appellate Court, as it appears put lot of emphasis on Exbt.4, Exbt.8, Exbt.9, Exbt.10, Exbt.B, Exbt.C, Exbt.D, Exbt.E and Exbt.F. Those are some official communications between the revenue officials and those official communications cannot be accepted as a basic evidence to decide the issue of possession in the absence of those persons examined about the factual position they have found. Those official communications may be considered while appreciating the other evidence on record.

I am quite surprised and astonished to see that the trial Court as well as the appellate Court did not at all consider the oral evidence on record to decide as to who was in possession of the suit land at the time when the suit was instituted and before that when the cause of action as alleged arose."

Learned Counsel also submitted that the appellants relied upon some exhibited documents like Exhibit-A to Exhibit-F, some official communications but those official communications were

marked subject to objection and no reliance can be placed upon them as because the author of those communications were not cited as witness by the appellants before the Learned Trial Court and those documents could not establish any better title of the appellants over the suit land than that of the respondent-plaintiffs.

14. Learned Counsel Mr. Bhattacharjee again submitted that since the appellants admitted the ownership of the predecessor of the respondent-plaintiffs over the suit land, so, the plea taken by the Learned Counsel for the appellants cannot be accepted at this stage. In support of his contention, Learned Counsel for the respondent-plaintiffs relied upon one citation of the Hon'ble Supreme Court reported in **(2020) 6 SCC 387 [titled as Bhagwat Sharan (Dead through Legal Representatives) vs. Purushottam & Ors.]**, wherein in para No.27, Hon'ble the Apex Court observed as under:

"27. The doctrine of election is a facet of law of estoppel. A party cannot blow hot and blow cold at the same time. Any party which takes advantage of any instrument must accept all that is mentioned in the said document. It would be apposite to refer to the treatise Equity—A Course of Lectures by F.W. Maitland, Cambridge University, 1947, wherein the learned author succinctly described principle of election in the following terms:

"The doctrine of election may be thus stated : that he who accepts a benefit under a deed or will or other instrument must adopt the whole contents of that instrument, must conform to all its provisions and renounce all rights that are inconsistent with it..."

This view has been accepted to be the correct view in Karam Kapahi v. Lal Chand Public Charitable Trust [Karam Kapahi v. Lal Chand Public Charitable Trust, (2010) 4 SCC 753 : (2010) 2 SCC (Civ) 262] . The plaintiff having elected to accept the will of Hari Ram, by filing a suit for eviction of the tenant by claiming that the property had been bequeathed to him by Hari Ram, cannot now turn around and say that the averments made by Hari Ram that the property was his personal property, is incorrect."

Learned Counsel further referred another citation of the Hon'ble Supreme Court of India in this aspect reported in **(2013) 5 SCC 470 [titled as Rajasthan State Industrial Development and**

Investment Corporation & Anr. vs. Diamond and Gem Development Corporation Ltd. & Anr.], wherein in para No.15 and 16, Hon'ble the Apex Court observed as under:

"I. Approbate and reprobate

15. A party cannot be permitted to "blow hot-blow cold", "fast and loose" or "approbate and reprobate". Where one knowingly accepts the benefits of a contract, or conveyance, or of an order, he is estopped from denying the validity of, or the binding effect of such contract, or conveyance, or order upon himself. This rule is applied to ensure equity, however, it must not be applied in such a manner so as to violate the principles of what is right and of good conscience. [Vide Nagubai Ammal v. B. Shama Rao [AIR 1956 SC 593] , CIT v. V. MR. P. Firm Muar [AIR 1965 SC 1216] , Ramesh Chandra Sankla v. Vikram Cement [(2008) 14 SCC 58 : (2009) 1 SCC (L&S) 706 : AIR 2009 SC 713] , Pradeep Oil Corpn. v. MCD [(2011) 5 SCC 270 : (2011) 2 SCC (Civ) 712 : AIR 2011 SC 1869] , Cauvery Coffee Traders v. Hornor Resources (International) Co. Ltd. [(2011) 10 SCC 420 : (2012) 3 SCC (Civ) 685] and V. Chandrasekaran v. Administrative Officer [(2012) 12 SCC 133 : (2013) 2 SCC (Civ) 136 : JT (2012) 9 SC 260] .]

16. Thus, it is evident that the doctrine of election is based on the rule of estoppel—the principle that one cannot approbate and reprobate is inherent in it. The doctrine of estoppel by election is one among the species of estoppels in pais (or equitable estoppel), which is a rule of equity. By this law, a person may be precluded, by way of his actions, or conduct, or silence when it is his duty to speak, from asserting a right which he would have otherwise had."

Relying upon the principle of doctrine of election, Learned Counsel for the respondent-plaintiffs submitted that there is no scope for the appellants at this stage to take a reverse opinion like "blow hot and blow cold" at the same time.

15. Learned Counsel Mr. Bhattacharjee referred another citation of Hon'ble Calcutta High Court reported in **1964 SCC OnLine Cal 166 [titled as Jatindra Nath Malik vs. Sushilendra Nath Palit]** wherein in Para No.13, Hon'ble the High Court of Calcutta observed as under:

"13. The submission that the above decisions are to be distinguished on the ground that they are decisions on the Bengal Tenancy Act is of no avail to Mr. Banerjee because in my view, the same principle would apply to the presumption of correctness of the Record of Rights finally published under the Estates Acquisition Act, 1953. I am therefore of opinion that it is not for the parties, relying on

the presumption of correctness of the record of rights validly prepared under the West Bengal Estates Acquisition Act, 1953 and the Rules made thereunder, to prove the foundation or basis of the correctness of the entries of the record of rights. I, however, like to add that the said presumption would relate only to the entries recorded, as authorised by the said Act and the Rules framed thereunder and not otherwise. Accordingly I hold that the entries in the disputed record of rights in favour of the appellant are correct and the evidence adduced on behalf of the plaintiff respondent did not rebut the said presumption of correctness attached to them. The first contention of Mr. Dutt therefore succeeds."

Learned Counsel also referred another citation of Hon'ble Gauhati High Court reported in **1997 SCC OnLine Gau 102 [Uttam Kumar Sen vs. Gita Das Choudhury]**, wherein in Para No. 12, Hon'ble Gauhati High Court observed as under:

"12. It is not in dispute that a finally published khatian is prepared after doing some preliminary works at certain stages viz. bujarat attestation etc. In the instant case, there is nothing on the record to show that the present appellants or any one on their behalf raised any sort of objection before the survey settlement officer at any of those stages about the entries. The contention of the defendants in this regard was that they for the first time came to know about the record of rights only after institution of the suit. The survey operation started as far back as in the year 1964 and the finally published khatian Ext. 1 was prepared on 20.3.68. The contention of the defendant was that he sent plaintiff to the office of the Survey Settlement for presentation of his case, but taking advantage of that the plaintiff in collusion with the officials of the survey settlement office got his name entered into the khatian. The courts-below after discussion of the evidence rejected the plea and I also find no infirmity in the finding. There is nothing on record to show the answering defendants made any sort of enquiry in respect of the record of rights even though it was averred that the plaintiff was sent to the office of the survey settlement for presenting the case on behalf of defendant No. 1."

Referring the same, Learned Counsel submitted that in deciding this appeal the provision of Section 43(3) of TLR and LR Act may be considered which provides "*every entry in the record of rights as finally published shall, until the contrary is proved, be presumed to be correct*".

16. Learned Counsel further referred another citation of the Hon'ble Supreme Court of India reported in **(2010) 1 SCC 466**

[titled as Kattinokkula Murali Krishna vs. Veeramalla Koteswara Rao & Ors.] wherein in para No.15, Hon'ble the Apex Court observed as under: (relevant part)

"24. It is a settled principle of law that evidence beyond the pleadings can neither be permitted to be adduced nor can such evidence be taken into consideration.

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Referring the same, Learned Counsel submitted that the plea taken by the appellants at this stage cannot be accepted as the same was beyond the pleading and evidence on record of the appellant-defendants.

17. Finally, Learned Counsel for the respondent-plaintiffs submitted that the appellant-defendants have failed to project the case for consideration by this Court and the substantial questions of law formulated stands against the appellants of this case and Section 44 of TLR & LR Act does not support the case of the appellant-defendants and as such, Learned Counsel Mr. Bhattacharjee submitted that there is no scope to interfere with the judgment and decree delivered by the Learned First Appellate Court. So, Learned Counsel urged for dismissal of this appeal with costs.

18. Learned Addl. G.A. representing the State-respondents submitted that there is no role of the respondents No.3 and 4 in deciding this appeal and urged before this Court to pass appropriate order in accordance with law.

19. Now, before coming to the conclusion of this appeal, let us discuss about the subject matter of dispute amongst the rival parties. The respondent-plaintiffs filed one suit before the Learned Trial Court i.e. Learned Civil Judge(Junior Division), Belonia, South Tripura which

was registered as T.S. No.12 of 2009 for a decree of declaration with consequential relief and for perpetual injunction with the fact that their predecessor Sushil Chandra Majumder (since dead) was allotted land measuring 1.10 acres of Khas land in the year 1975 by the Government and accordingly vide allotment case No.69, Khatian bearing No.1168 was published in the name of their predecessor. After getting allotment, he started enjoying possession over the same by planting different types of trees, etc and when the survey was completed, finally published khatian was prepared and issued in the name of the predecessor of the respondent-plaintiffs namely Sushil Chandra Majumder and said Sushil Chandra Majumder during his lifetime was under peaceful possession of the same without any obstruction from any corner. According to the respondent-plaintiffs, the defendant No.4 i.e. the appellant herein who was having some land adjacent to the allotted land of the predecessor of the respondent-plaintiffs, approached the predecessor of the plaintiffs to vacate the allotted land but he refused for which the appellant approached O/C Manpathar O.P. and O/C, Shantir Bazar P.S. as well as SDO, Belonia to take possession of the same and also approached the District Collector, South Tripura to initiate a revenue case for cancellation of the allotment order in favour of the predecessor of the respondent-plaintiffs which is still pending for disposal and in the meantime, said defendant No.4 i.e. the appellant herein on several occasion tried to dispossess the predecessor of the respondent-plaintiffs from the suit land but failed. Thereafter, said Sushil Chandra Majumder expired on 02.04.2007 leaving behind the respondent-

plaintiffs as his legal heirs and accordingly after his death, they approached to the revenue authority for mutation of the said land in their name and accordingly, revenue authority mutated the said land in their favour finding them in possession. The appellant-defendants on 27.12.2008 again tried to dispossess the respondent-plaintiffs from the said land i.e. the allotted land but their efforts were frustrated due to timely resistance. Finding no way, the respondent-plaintiffs filed the suit.

The defendant No.4 i.e. the appellant herein contested the suit by filing written statement denying the claim of the respondent-plaintiffs and took the plea that the predecessor of the respondent-plaintiffs and after his death the respondent-plaintiffs did never possess the suit property but the said defendant did never deny the title of the predecessor of the plaintiffs and later on the plaintiffs. It was further submitted that in the year 1985 Government allotted 31.54 acres of land in favour of the appellant to construct a research centre which includes the suit land and since then the said defendant was enjoying the same peacefully but in the year 1997, when the predecessor of the respondent-plaintiffs tried to enter into the suit property, that time, they could know that the allotment of the same was made in favour of the predecessor of the respondent-plaintiffs and after that, they approached to the District Collector, South Tripura for cancellation of allotment which is still pending for disposal. As the other defendants did not contest the suit, so, the suit proceeded *ex parte*.

20. Learned Trial Court on perusal of the pleadings of the parties framed the following issues:

- 1. Whether the suit is maintainable in its present form?**
- 2. Whether the plaintiffs are entitled to get a decree declaring their right, title and interest as well as confirmation of possession over the suit land?**
- 3. Whether the plaintiffs are entitled to get a decree declaring the revenue proceeding No.-09/07 under Rule 15(VII) of TLR & LR Rule 1962 in the Court of Addl. District Magistrate & Collector, South Tripura Udaipur as illegal, void and inoperative?**
- 4. Whether the plaintiffs are entitled to get a decree for perpetual injunction against the defendants and their agents as prayed for?**
- 5. Whether the plaintiffs are entitled to get any other relief and if so up to what extent?**

21. Before the Learned Trial Court, one of the respondent-plaintiffs and his 4(four) other witnesses were examined and the respondent-plaintiffs relied upon some documents which were marked as Exhibit-1 to Exhibit-10.

On the other hand, on behalf of the appellant, one Arvind Kumar Singh, Chailafu Mog, Kanja Mog, Vanubala Debnath, Laduang Mog were adduced who were examined as DWs-1 to 5 and the appellant-defendant relied upon some documents which were also marked as Exhibit-A to Exhibit-F subject to objection by the respondent-plaintiffs.

For the sake of convenience, the name of witnesses and the exhibits of the rival parties are mentioned herein below:

(A) Plaintiffs' Exhibits :-

- i) Ext.1:- Certified copy of Khatian No.1168 of Mouja-B.C. Nagar.**
- ii) Ext.2:- Certified copy of finally published Khatian No.647 of Mouja-B.C. Nagar.**
- iii) Ext.3:- Mutated Khatian No.647 of Mouja-B.C. Nagar.**
- iv) Ext.4:- Certified copy of enquiry report of D.C.M., Santir Bazar, dated 08.10.2003.**
- v) Ext.5:- Certified copy of order in connection with Revenue case No.16/04.**

- vi) Ext.6:- Certified copy of order in connection with Revenue case No.09/07.
- vii) Ext.7:- Certified copy of local notice.
- viii) Ext.8:- Certified copy of letter dated 18.05.2007 of S.D.M., Santir Bazar addressed to D.M., South Tripura, Udaipur.
- ix) Ext.9:- Certified copy of enquiry report dated 29.03.2007.
- x) Ext.10:- Certified copy of enquiry report dated 28.07.2009.

(B) Plaintiffs' Witnesses :-

- i) PW.1 Sri Biplab Kumar Majumder.
- ii) PW.2 Tapan Sen.
- iii) PW.3 Sunil Dey.
- iv) PW.4 Jadugopal Datta.
- v) PW.5 Nirmal Das.

(C) Defendant's Exhibits :-

- i) Ext.A:- True copy of the handing over and taking over of the suit land dated 28.03.1985.
- ii) Ext.B:- One photo copy of the letter dated 10.04.2007 by the Sr. Deputy Magistrate addressed to the S.D.M., Santir Bazar.
- iii) Ext.C:- One report of the D.C.M., Santir Bazar dated 08.10.2003.
- iv) Ext.D:- one photo copy of the letter dated 23.10.2002 of District Magistrate, South Tripura.
- v) Ext.E:- True copy of the enquiry report dated 25.09.2002 of S.D.M., Belonia.
- vi) Ext.F:- A letter dated 23.03.2004 of S.D.M., Belonia addressed to the District Magistrate, South Tripura.

(D) Defendant's Witnesses :-

- i) DW.1 Arvind Kr. Singh.
- ii) DW.2 Chailafu Mog.
- iii) DW.3 Kanja Mog.
- iv) DW.4 Vanubala Debnath.
- v) DW.5 Laduang Mog.

22. Finally, after conclusion of trial, Learned Trial Court decided all the issues excepting issue No.3 in favour of the respondent-plaintiffs. The operative portion of the judgment and decree dated 16.07.2010 runs as follows:

O_R_D_E_R

"In the result, the plaintiffs succeed and this Title Suit is accordingly decreed partly on contest with costs.

It is hereby declared that the plaintiffs have right, title and interest over the suit property and the possession of the

Prepare the decree accordingly.

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

HIGH COURT OF TRIPURA

10. * ****

***** ****

For the reasons stated above, in my considered opinion the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot are quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a judgment and the documents of the defendant contained in the trunk with lock to the court before after that,

after that, the respondent-plaintiffs preferred second appeal in this High Court which was numbered as RSA No.2

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * ***
 *** *****

For the reasons stated above, in my considered opinion, the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendants contained in the trunk with lock to the court before me.

After that, the respondent-plaintiffs preferred second appeal to this High Court which was numbered as RSA No.2 of 1978.

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendants contained in the trunk with lock to the court before me.

after that, the respondent-plaintiffs preferred second appeal to this High Court which was numbered as RSA No.2

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion, the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendant contained in the trunk with lock to the court before

after that, the respondent-plaintiffs preferred second appeal to this High Court which was numbered as RSA No.2 of 2017.

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion, the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendant contained in the trunk with lock to the court before me.

After that, the respondent-plaintiffs preferred second appeal in this High Court which was numbered as RSA No.2 of 2016.

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion, the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendants contained in the trunk with lock to the court before

after that, the respondent-plaintiffs preferred second appeal in this High Court which was numbered as RSA No.2

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion, the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendant contained in the trunk with lock to the court before

after that, the respondent-plaintiffs preferred second appeal in this High Court which was numbered as RSA No.2

the operative portion of the judgment and on

11 delivered by the Learned First Appellate Court.

10. * *****

***** *****

For the reasons stated above, in my considered opinion the learned court below was in error in declaring the plaintiffs over the suit land and so possession. So, the judgment and decree cannot be quashed and set aside accordingly.

12. Prepare decree accordingly.

13. Send back the L. C. Record along with a copy of the judgment and the documents of the defendants contained in the trunk with lock to the court before me.

After that, the respondent-plaintiffs preferred second appeal in this High Court which was numbered as RSA No.2 of 2016.

Court. The operative portion of the judgment and order dated 29.03.2016 delivered by the Learned District Judge in connection with T.A. No.10 of 2010 runs as follows:

O R D E R

"12. In view of the decision arrived at issue-wise, it is ordered that the respondents (plaintiffs No.1 and 2) have right, title and interest over the suit property and possession of the respondents (plaintiffs No.1 and 2) over the suit property is confirmed. Further, the appellants (defendants) are restrained permanently from entering into the suit property and from disturbing the peaceful possession of the respondents (Plaintiffs No.1 and 2).

13. In the result, appeal is dismissed of on contest.

14. Prepare decree accordingly.

15. Send back the L.C. Record along with a copy of this judgment to the court below."

Challenging that judgment, the appellants have again preferred this second appeal before this Court.

24. I have heard detailed argument of Learned Counsel of both the sides and also gone through the judgments delivered by the Learned First Appellate Court as well as the Learned Trial Court and also perused the exhibited documents.

Admittedly, the Government of Tripura in the year 1975 allotted land measuring 1.10 acres under Mouja and T.K.-Birchandranagar, Revenue Circle-Shantirbazar in favour of one Sushil Chandra Majumder(since dead) i.e. the predecessor of the present respondent-plaintiffs appertaining to old CS plot No.1213/2233 and 1213/2234 through PB No.59 and the said land was allotted in favour of said Sushil Chandra Majumder vide allotment case No.69. On perusal of said Khatian No.1168(Exbt.-1), it appears that in the remarks column there was only reflection of one hut. There was no other entry of possession of any other person save and except the possession of said deceased Sushil Chandra Majumder. Said khatian

was finally published on 31.12.1992 in Khatian No.647(Exbt.-2) wherein similar quantum of land was recorded showing hal CS Plot No.1966 land measuring 0.50 acres, 1966/3093 land measuring 0.07 acres, 1966/3094 land measuring 0.28 acres, 1967 land measuring 0.25 acres (in total land measuring 1.10 acres). In the finally published khatian also, there was no reflection of possession of any other person save and except said deceased Sushil Chandra Majumder over the suit land. In this regard, Section 43(3) of TLR & LR Act is very much relevant. Meaning thereby, entry in the record of right shall be presumed to be correct until the contrary is proved.

On perusal of Exbt.-1 (Khatian No.1168) and Exbt.-2 (Khatian No.642), it appears that since 1975 to till 1992 except said Sushil Chandra Majumder no other persons were there as possessor over said land i.e. the suit land measuring 1.10 acres. Later on after the death of said Sushil Chandra Majumder in the year 2007 the said land was mutated in favour of the respondent-plaintiffs i.e. the original plaintiffs of the suit in the same Khatian against the same CS plots wherein also the revenue authority did not record the name of any other persons as possessors excepting the name of the respondent-plaintiffs. Had there be any other person/persons than definitely their names could have been reflected in the relevant column of possession in the Khatian.

Now, admittedly before the Learned Trial Court the respondent-plaintiffs could not produce and prove the order of allotment of the suit land issued in favour of Sushil Chandra Majumder but by the admission of the appellant No.1 in their written

statement in para No.23(c) and 23(e) and in view of Section 58 of the Indian Evidence Act the appellant No.1 is estopped from raising the plea that the Khatian does not confer any title in absence of production and proving of original allotment order. Because there is no any contrary evidence on record from the side of the appellant that the suit land was never allotted in the name of the predecessor of the respondent-plaintiffs. There is also no contrary evidence on record from the side of the appellants that since 1975 some other persons including the appellant has/have/had been possessing the suit land. It is the settled position of law that entry in revenue records does not confer any title. In this regard, reliance was placed by the appellants on the judgment of the Hon'ble Supreme Court and this High Court also but the subject matter of disputes of these cases are completely different from the present case. In those cases, decision was based for want of any deed of title or related document but here in the case at hand the suit land was originally Govt. khas land which was later on allotted in favour of the predecessor of the respondent-plaintiffs and thereafter the same was recorded in the name of present respondent-plaintiffs as owner-cum-possessor by way of mutation.

25. At the time of hearing and before the Learned Trial Court also the appellants relied upon some documentary evidences which were marked as Exbt.-A to Exbt.-F. I have also perused the same. It appears that land measuring 31.54 acres was handed over to the appellant which was received by the then Superintendent of Agriculture, Bagafa, South Tripura on 29.01.1985. Perhaps the same land was adjacent to the suit land belonging to the respondent-

plaintiffs. The appellants relied upon said exhibited documents in support of their claim but those documents are certain official communications and the authors of those communications were not cited as witness by the appellant before the Learned Trial Court. So, simply on the basis of marking of those documents as Exhibits with objection, the appellants cannot take the plea that the appellant No.1 has/had valid title than that of the respondent-plaintiffs over the suit land or they had valid possession over the suit land by adducing oral evidence on record.

26. It is also the admitted position in this case that a revenue proceeding for cancellation of the suit land before the appropriate revenue authority was/is still pending for disposal. The respondent-plaintiffs before the Learned Trial Court in the plaint sought for declaring the revenue proceeding as void and illegal but the Learned Trial Court at the time of deciding issue No.3 decided the same against the respondent-plaintiffs on the ground that Civil Court has got no jurisdiction to interfere with the revenue proceeding. In this regard, at the time of hearing Learned Counsel for the appellants drawn the attention of the Court referring Section 44 of TLR & LR Act which provides as under:

"44. Jurisdiction of civil courts to decide disputes.-(1) When a notification under section 26 directing the revenue survey of any local area with a view to settlement of the land revenue and to the preparation of a record of rights connected therewith or the revision of any existing settlement or record of rights in any local area has been published after the enforcement of the Tripura Land Revenue and Land Reforms (Fifth Amendment) Act, 1979, no civil court shall entertain any suit or application for the settlement or determination of land revenue or the incidence of any tenancy to which the record of rights relates, and if any suit or application, in which any of the aforesaid matters is in issue, is pending before a civil court on the date of publication of the notification in the Official Gazette, it shall be stayed and it shall, on the expiry of the period for filing application for revision under section 45, or

when such application has been filed within time on expiry of the period prescribed under section 94 for filing an appeal under section 93 against the order disposing of such application or when an appeal has been filed under the section within time, as the case may be, on disposal of such appeal, abate so far as it relates to any of the aforesaid matters.

(2) No civil court shall entertain any suit or application concerning any land if it relates to alteration of any entry in the record of rights finally published, revised, corrected or modified under any of the provisions of this Chapter or Chapter VIII of this Act consequent upon the notification issued under section 26 after the enforcement of the Tripura Land Revenue and Land Reforms (Fifth Amendment) Act, 1979."

On bare perusal of the said provision, it appears that the jurisdiction of Civil Court is ousted only when a notification under Section 26 of TLR & LR Act was published regarding revenue survey of any local area. But here in the case at hand the appellants or the State-respondent could not produce/prove any notification under Section 26 of the TLR & LR Act before the Learned Trial Court to substantiate the bar of jurisdiction of the Civil Court in view of the notification issued under Section 26 of TLR & LR Act, 1960. Nor the appellants or the State filed any prayer before the Learned Trial Court for staying further proceeding of the suit till disposal of the revenue proceeding, taking the plea of pendency of any such notification.

27. Situated thus, in the considered opinion of this Court the decision of Learned Trial Court in respect of issue No.3 and also the Learned First Appellate Court in respect of same issue was not proper and the same is interfered with and accordingly the same is declared as void, inoperative and not binding upon the respondent-plaintiffs on the ground that Civil Court had the authority/jurisdiction to entertain the suit and to decide the issue. Furthermore, to counter the issue there was no contrary evidence on record from the side of State-respondents also.

Even to counter the same, Learned Addl. G.A. for the State-respondents in course of hearing of argument did not submit anything.

28. I have also gone through the evidence on record of the contesting parties and it appears that the appellants as defendants by adducing oral/documentary evidence on record failed to project any case of their possession to disbelieve the case of the respondent-plaintiffs. The citations as referred by Learned Counsel for the appellants are distinguishable in facts with the present case as such, the same cannot be applied in this case rather the citations as referred by the respondent-plaintiffs appears to be more relevant for decision of this present appeal.

The appellants on the basis of some official communications tried to draw the attention of the Court showing their possession and ownership over the suit land but those official communications are also contrary to each other and in absence of evidence on record of the author of those communications or evidence of possession over the suit land, no inference can be drawn in favour of the appellants. Furthermore, settlement operation also passes through different stages. The appellants by adducing oral/documentary evidence on record could not establish any title of them over the suit land better than that of the respondent-plaintiffs and as such, in the considered opinion of this Court there is no infirmity or perversity in the judgment delivered by Learned First Appellate Court.

29. In our State during settlement operation, huge quantum of lands were allotted to the different persons by the State Government by issuing allotment orders and in pursuance of those allotment

orders, Khatians have been prepared in the names of the respective allottees. But sometimes during settlement operation some village rustic persons, for their ignorance, could not collect the copy of order of allotments or for any reason, those copy of order of allotments were not supplied to the respective allottees by the Department, resulting which in the civil suit, the parties concerned cannot produce the copy of allotment orders to prove their title. But it is the admitted position that on the basis of these allotment orders Khatians are being prepared during settlement operation finding the actual allottees in possession after observing different stages of settlement including field verification. Situated thus there is no scope to take any inference that the party/parties who are possessing allottee lands have/had no title over the land under their possession. This issue needs to be addressed by the State Government. Learned Advocate General may be requested to take up the matter with the respective department of the Government to ensure supply of copy/certified copies of the allotment orders to the persons in the event of filing of application, to enable the parties to submit the same to the Courts in case of need. In view of the situation, all the civil Courts be asked to pass appropriate order in the light of the judgment passed by this Court until and unless the contrary evidence is proved when the title of holder of allottee land is questioned before any civil Court.

30. In the result, the appeal filed by the appellant-defendants stands dismissed on contest with costs being devoid of merit. The judgment dated 29.03.2016 and decree dated 30.03.2016 delivered by Learned District Judge, South Tripura, Belonia in connection with Case No.TA/10/2010 upholding the judgment

dated 16.07.2010 and decree dated 23.07.2010 delivered by Learned Civil Judge(Junior Division), Belonia, South Tripura in connection with case No.T.S. No.12 of 2009 is hereby upheld and the same is accordingly affirmed.

However, since it is discussed and decided that the Learned Trial Court and Learned First Appellate Court committed error in deciding issue No.3 of the suit, so, the revenue proceeding pending before the appropriate revenue authority bearing No.09/07 accordingly stands quashed and set aside and answered in favour of the respondent-plaintiffs.

With the aforesaid observation, the present appeal stands disposed of.

Prepare decree accordingly. In the event of deposit of adjournment cost of Rs.5,000/- by the respondent-plaintiffs within 10 days, the decree would come into operation.

Registrar (Judl.) be asked to circulate the copies of judgment to all the civil Courts across the State for their information.

Also, a copy of this judgment be supplied to Learned Advocate General, State of Tripura for information and necessary action.

Send down the records to the Learned Trial Court and the Learned First Appellate Court along with a copy of this judgment and order.

Pending applications(s), if any, also stands disposed of.

JUDGE