

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01/2024 in Review Pet. No.29/2024
Review Pet. No.29/2024**

Shri Arindam Majumder

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

V E R S U S

Shri Nepal Bhawal & others

..... Respondent(s).

For Petitioner/Applicant(s) : Mr. Deepak Biswas, Advocate,
Ms. Rumpa Dey, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

05/02/2025

Heard Mr. Deepak Biswas, learned counsel for the review petitioner/applicant, on the prayer for condonation of delay of 772 days in preferring the instant review petition which is directed against the judgment dated 22.06.2021 passed by this Court in a Regular Second Appeal No.36 of 2019.

2. Learned counsel for the petitioner/applicant has drawn the attention of this Court to the sequence of dates and events following the dismissal of the Regular Second Appeal. It is submitted that the petitioner's father had preferred a Special Leave Petition which got registered as SLP(C) No.8511/2022. During the period of May, 2022, he was stuck in a severe flood situation in Nagaland and could not be in touch with his counsel. Learned counsel appearing for him before the Supreme Court withdrew the Special Leave Petition on 13.05.2022. Thereafter, in August, 2022 father of the petitioner passed away. Later on, the petitioner's counsel without any prior information or advice filed a Review Petition bearing Diary No.31303 of 2022

instead of filing an application for restoring the SLP(C) No.8511 of 2022 or filing a fresh SLP. On account of non-clearing of defects and not taking appropriate steps, the learned Registrar refused registration of Review Petition in view of provisions of Order VIII Rule 6(3) & (4) of Supreme Court Rules, 2013. Thereafter, the petitioner's counsel filed an appeal under Order XV Rule 5 of the Supreme Court Rules, 2013 by way of Diary No.31780 of 2023. That appeal has lately also been withdrawn after filing of the present petition on 24.01.2025. It is for these reasons that the instant Review Petition could not be filed in time though petitioner has good grounds to seek review of the impugned judgment. The delay is neither intentional nor deliberate and if it is not condoned, petitioner would suffer irreparable loss and injury.

3. Learned counsel for the petitioner/applicant further submits that petitioner's father during those days was suffering from serious illness but at the same time contesting the Execution Proceedings before the learned Civil Judge, Udaipur, Gomati District. The petitioner being completely unaware of the fate of these proceedings, has approached this Court for review but after some delay which has been properly explained. Therefore, the delay may be condoned.

4. I have heard learned counsel for the petitioner/applicant and taken note of the grounds urged for condonation of delay. The sequence of dates and events which have been narrated by the petitioner/applicant do not justify such an inordinate delay of 772 days in seeking review of the impugned judgment passed by this Court in RSA No.36 of 2019. The petitioner's father appears to have pursued the remedy before the Apex Court by filing a Special Leave

Petition which was dismissed as withdrawn way back vide order dated 13.05.2022 itself. Thereafter, petitioner's father though had expired in August, 2022, petitioner had been pursuing the remedy of review and thereafter, an appeal before the Apex Court and in the meantime has approached this Court on 24.07.2024 for review of the impugned judgment rendered on 22.06.2021 in RSA No.36 of 2019. Petitioner, therefore, does not have any sufficient explanation for the inordinate delay in seeking review of the impugned judgment. The delay of about 2(two) years since the death of his father do give an impression that the petitioner has been taking chances in invoking different remedies during this period instead of diligently pursuing the remedy available to him before the appropriate Court. Such a conduct of a party cannot be condoned. In such circumstances, this Court does not find any reason to condone the delay.

5. Accordingly, I.A. No.01 of 2024 is dismissed.

The Review Petition No.29 of 2024 also consequently stands dismissed.

(APARESH KUMAR SINGH), CJ

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