

**HIGH COURT OF TRIPURA  
AGARTALA**

**CRP No.79 of 2025**

1. Smt. Maya Deb (Sarkar), W/o Late Mounabrata Sarkar, Resident of Madhyapara, Ward No. 1, PO and PS - Belonia, District - South Tripura, Pin- 799155

2. Sri Mainak Sarkar, S/o Late Mounabrata Sarkar, Resident of Madhyapara, Ward No.1, PO and PS - Belonia, District - South Tripura, Pin - 799155

.....Petitioner(s)

Versus

1. Smt. Kabita Rani Das (Sarkar), W/o Late Subrata Sarkar, Resident of Madhyapara, Ward No.1, PO and PS - Belonia, District- South Tripura, Pin- 799155

2. Sri Supratim Sarkar, S/o Late Subrata Sarkar, Resident of Madhyapara, Ward No.1, PO and PS- Belonia, District - South Tripura, Pin- 799155

3. Sri Subhrajit Sarkar, S/o Late Subrata Sarkar, Resident of Madhyapara, Ward No.1, PO and PS - Belonia, District - South Tripura, Pin- 799155, he is being a minor is represented by his mother, Smt. Kabita Rani Das (Sarkar), the Respondent No.1 of the petition

.....Respondent(s)

For Petitioner(s) : Mr. Abhinandan Pal, Advocate,  
Ms. Maitri Majumder, Advocate.

For Respondent(s) : None.

**HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO**

**Order**

**21/11/2025**

Heard counsel for the petitioners.

2. This Revision is filed against the order dt. 31.10.2025 of the Civil Judge (Sr. Division), Court No.1, Belonia, South Tripura granting 15 days' time to the petitioners to vacate the property in their occupation which was subject matter of T.S. 01 of 2015 decided on 01.08.2018 by the said Court.

3. Respondents in the revision are the legal heirs of the deceased decree holder in the suit.

4. As per the decree passed in the said suit, the right, title and interest of the respondents was declared over the A schedule land, and the petitioners were directed to hand over possession of the B schedule land to the respondents.

5. When the petitioners did not vacate the property, Execution (Title) 04 of 2022 was filed by the decree-holders/respondents to evict the petitioners from the property.

6. On 23.09.2025, the Executing Court directed the petitioners to vacate the B schedule property consisting of rooms within 30 days, and fixed 31.10.2025 for report of the process server.

7. On 31.10.2025, the petitioners filed an application under Section 151 CPC seeking two years time to vacate the B schedule property.

8. By the impugned order, the Civil Judge (Sr. Division) dismissed the said application granting only 15 days' time to the petitioners to vacate the rooms in their occupation, and take away their goods and belongings.

9. Assailing the same, this Revision is filed.

10. It is contended in the Revision that the first petitioner had retired from government service in January, 2025; that her husband had died in November, 2021; that her daughter had also died on 11.03.2022, and the only son was an Under Graduate, and if they are made to vacate the premises, they would become homeless destitute, and would suffer.

11. I am not impressed by this contention of the counsel for the petitioners for the reason that decree against the petitioners had been passed way back on 01.08.2018 for eviction, and the same had attained finality. In

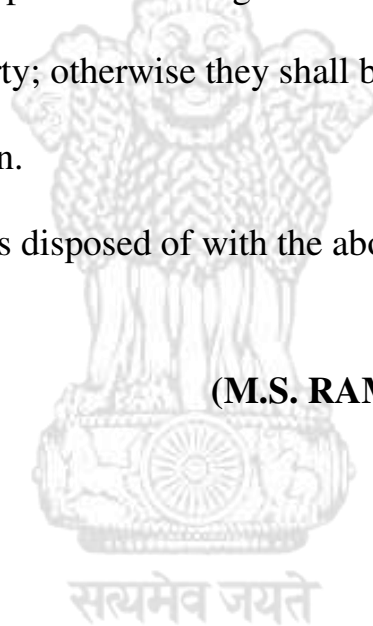
spite of the same, the petitioners had forced the legal heirs of the deceased decree-holder to file execution petition to get back possession of the property in the year 2022, and three years later they are now seeking to continue the privilege for two more years.

12. While the tragedy suffered by the petitioners may undoubtedly cause them sorrow, one cannot lose sight of the fact that the respondents' right to get back possession cannot be delayed indefinitely, since already the petitioners have enjoyed the property for more than seven years after the decree has been pronounced against them.

13. Therefore, the petitioners are granted two weeks' time from today to vacate the subject property; otherwise they shall be evicted by due process of law in the execution petition.

14. This revision is disposed of with the above directions.

**(M.S. RAMACHANDRA RAO, CJ)**



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