

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.82 of 2025

1. Smt. Shilpi Chowdhury (Sarkar), wife of Sri Ashis Chowdhury, resident of Arabindanagar, PO and PS - Bishalgarh, District - Sepahijala Tripura
2. Smt. Sukla Aich, wife of Sri Ganesh Chandra Aich, resident of Pravorampur, PO and PS - Bishalgarh, District - Sepahijala Tripura
3. Sri Amar Deep Acharjee, son of Sri Dilip Acharjee, resident of Ghaniamara, PO + PS – Bishalgarh, District- Sepahijala, Tripura
4. Sri Chinmay Banik, son of Sri Dulal Banik, resident of Ratan Nagar, PO + PS- Bishalgarh, District- Sepahijala Tripura
5. Sri Manik Banik, son of Direndra Banik, resident of Ratan Nagar, PO + PS- Bishalgarh, District- Sepahijala, Tripura

.....Petitioner(s);

Versus

1. Smt. Aratibala Shil, wife of Sachidra Shil, daughter of late Abo Shil, resident of Ghaniamara, P.O.+ P.S. - Bishalgarh, District-Sepahijala, Tripura;
2. Smt. Putul Biswas @ Putul Biswas Shil wife of late Harendra Biswas, daughter of late Abo Shil, resident of Sukanta Palli, Ward No. 35, Jogendranagar, P.O. Agartala College, P.S.-East Agartala, District-West Tripura;
3. Smt. Mallika Shil @ Shipra Shil, wife of Sri Kalipada Shil, daughter of late Abo Shil, resident of Chaitali Palli, Jogendranagar, P.O. Agartala College, P.S.- East Agartala, District-West Tripura;
4. Smt. Archana Shil (Bashak) wife of Bajan Bashak, daughter of late Abo Shil, resident of Ghaniamara, P.O.+P.S.- Bishalgarh, District-Sepahijala, Tripura;
5. Smt. Abharani Shil, wife of late Khokan Shil, resident of Ghaniamara, P.O.+P.S.-Bishalgarh, District-Sepahijala, Tripura;
6. Sri Mithan Shil, son of late Khokan Shil, resident of Ghaniamara, P.O.+P.S.- Bishalgarh, District-Sepahijala, Tripura;
7. Sri Maran Shil, son of late Khokan Shil, resident of Ghaniamara, P.O.+P.S.- Bishalgarh, District-Sepahijala, Tripura;
8. Sri Jutan Shil, son of late Khokan Shil, resident of Ghaniamara, P.O.+P.S.- Bishalgarh, District-Sepahijala, Tripura;

.....Respondent(s)

For Petitioner(s)	: Mr. Samar Das, Advocate, Mr. Agniva Chakraborty, Advocate.
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For Respondent(s)	: None.
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HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

Order

10/12/2025

1. This Revision is filed challenging order dt.17.11.2025 passed by the Civil Judge (Sr. Division), Court No.1, Sepahijala District, Sonamura in T.S. 17 of 2022.
2. Petitioners are defendants No.6, 9, 11, 13 and 15 in the said suit.
3. They filed application under Order IX Rule 7 CPC to set aside orders passed on 19.02.2024, 24.09.2024, 07.10.2024 and 04.12.2024 allegedly setting them ex parte, and seeking to file written statement.
4. The plaintiffs opposed the applications on the ground that there was no order passed setting the above defendants ex parte at any point of time.
5. The trial Court verified the order sheets in the case record of the suit, and held that no order was passed setting the above defendants ex parte on the dates indicated by them, and that only on 09.02.2025 an order was passed that the case would proceed ex parte against them. It therefore held that the basis of filing the application by the petitioners was factually incorrect, and therefore there is no question of vacating or setting aside non-existent orders.
6. Though counsel for the petitioners contends that the order of the trial Court is not correct, he has not produced before me any orders setting the petitioners ex parte on 19.02.2024, 24.09.2024, 07.10.2024 and 04.12.2024.
7. Also the suit is of the year 2022, and summons must have been served on each of the petitioners, who were defendants, in 2022 itself. Petitioners are expected to file their written statement within 30 days which is extendable up to 90 days as per Order VIII Rule 1 CPC.

8. The other defendants had admittedly filed written statements, but the petitioners had not chosen to do so, and according to counsel for the petitioners, they sought to file such written statement only in May, 2025.

9. The only reason assigned by the counsel for this inaction on the part of the petitioners is that they could not contact their counsel.

10. It is difficult to accept this submission because there are five defendants, of whom three are male persons, and all of them are resident of Sepahijala District at Bishalgarh, in which district the suit is pending. It is the duty of each of the petitioners to be in touch with his/her counsel, and they have only themselves to blame for their negligence in this regard.

11. I do not, therefore, find any error of jurisdiction in the order passed by the trial Court warranting interference by this Court in exercise of its limited jurisdiction under Article 227 of the Constitution of India.

12. Therefore, this Revision is dismissed. No costs.

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

(M.S. RAMACHANDRA RAO, CJ)

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