

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.04 of 2026

Md. Kabir Hussain, S/o Lt. Abul Kashem, R/o Near Immigration Post, PO and
PS - Kailashahar, Sub-Division: Kailashahar, District: Unakoti Tripura

.....Petitioner(s);

Versus

Sri Nihar Deb Kanungo, S/o Lt. Niranjan Deb Kanungo, R/o PWD Road,
Madhya Para, Ward No.7, PO and PS - Kailashahar, Sub-Division:
Kailashahar, District: Unakoti Tripura

.....Respondent(s)

For Petitioner(s) : Mr. Sisir Chakraborty, Advocate.

For Respondent(s) : None.

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

Order

10/04/2026

Heard counsel for the petitioner.

2. None appears for the sole respondent, though the respondent has been served.

3. The Petitioner, i.e. the defendant in MS 02 of 2022 on the file of the Civil Judge (Sr. Divn.), Court No.1, Unakoti District, Kailashahar, had filed written statement.

4. Thereafter the plaintiff concluded his evidence.

5. Subsequently on 27.10.2025, evidence on affidavit was filed by the petitioner as DW 1, and the same was taken on record.

6. On the very same day, the petitioner moved an application seeking time to file evidence on affidavit of the other witnesses for the defendants.

7. The said Court granted time till 26.11.2025 for filing evidence on affidavit of the rest of the defendant witnesses.

8. The matter was posted to 26.11.2025.

9. On that date, again an application was filed on behalf of the petitioner seeking further time to file evidence on affidavit of the rest of the defendant witnesses.

10. This was objected to by the respondent-plaintiff side, and the Court below accepted the objection of the counsel for the respondent, and rejected the application filed by the petitioner for grant of time to file evidence on affidavit of the other defendant witnesses.

11. Having done so, the Court below stated in its order dt.26.11.2025 that the stage of filing evidence on affidavit by the petitioner, stands closed and fixed the case for argument on 15.01.2026.

12. Challenging the same, this Revision is filed by the petitioner herein.

13. Counsel for the petitioner contends that assuming that the Trial Court is right in rejecting the petitioner's request for grant of time for filing affidavits of evidence on behalf of the other defendant witnesses, since the petitioner's chief examination affidavit had already been filed, as had been recorded in the docket order dt.27.10.2025, the Trial Court could not have straightaway post the matter for argument, but should have allowed cross examination of DW 1 on the basis of the chief examination affidavit filed by him, and thereafter listed the case for hearing of arguments.

14. I agree with the submission of counsel for the petitioner that the Court below, having rightly rejected the application for grant of time by the petitioner for filing affidavits of evidence of other defendant witnesses, could not have straightaway posted the case for argument to 15.01.2026, and that the Trial Court ought to have allowed the cross examination of the petitioner/DW 1 by

the respondent, and after conclusion thereof only, proceeded to hear the arguments in the matter.

15. Accordingly, the instant Revision Petition is allowed; the order dt.26.11.2025 of the Trial Court is set aside, and the Trial Court is directed to permit the cross examination of the petitioner by the respondent on the basis of the chief examination affidavit of the petitioner as DW 1 already taken on record on 27.10.2025, and after conclusion thereof, hear the arguments and decide the matter.

16. CRP is allowed accordingly.

(M.S. RAMACHANDRA RAO, CJ)

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