

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.39/2025

Mst. Mayarun Nessa, wife of Lt. Masuk Mia, Resident of Village & P.O.-
Dhupirbond, Ward No.5, P.S.-Dharmanagar, District-North Tripura.

..... Petitioner(s).

V E R S U S

1. Md. Maklichu Rahaman, son of Lt. Konu Kha @ Konu Sa, Resident of
Village & P.O.-Dhupirbond, Ward No.5, P.S.-Dharmanagar, District-North
Tripura, Pin-799253.

2. Md. Abdul Ali, Son of Abdul Hannan and Late Kharunnessa, Resident of
Village-Krishnapur, Ward No.3, P.S.-Dharmanagar, District-North Tripura,
Pin-799253.

3. Mst. Rupia Begum, Wife of Ajmal Uddin, D/O. Abdul Hannan and Lt.
Kharunnessa, Resident of Village-West Kameshwar, Tangibari, P.S.-
Dharmanagar, District-North Tripura, Pin-799253.

4. Md. Hussain Ahamad, son of Mastakin Ali, Resident of Village & P.O.-
Dhupirbond, P.S.-Dharmanagar, District-North Tripura, Pin-799253.

5. Md. Maynul Haque, Son of Lt. Konu Kha, Resident of Village & P.O.-
Dhupirbond, Ward No.5, P.S.-Dharmanagar, District-North Tripura, Pin-
799253.

6. Mst. Joyrun Bibi, wife of Md. Hira Mia, Resident of Village & P.O.-
Dhupirbond, Ward No.5, P.S.-Dharmanagar, District-North Tripura, Pin-
799253.

.....Respondent(s).

For Petitioner(s) : Mrs. Sujata Deb (Gupta), Advocate.

For Respondent(s) : Mr. Pranabashis Majumder, Advocate,
Ms. Varsha Poddar, Advocate.

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

Order

07/01/2026

This Revision is preferred against the order dt.19.03.2025 of the
Civil Judge (Senior Division), Court No.2, North Tripura, Dharmanagar in case
No. Civil Misc. 25 of 2025 arising out of T.S. No.10 of 2019.

2. The petitioner in this Revision is the plaintiff in the said suit. She
filed the said suit to declare that a judgment and decree dt.22.12.2016 and final
decree dt.01.02.2017 in T.S.(Partition) No.03 of 2016 was obtained

fraudulently without issuing notice or summons to the petitioner and including another person who was not a legal heir of Late Konu Kha alias Konu Sa and that it does not bind the petitioner and is liable to be cancelled, and also sought possession of the suit schedule land as a joint owner until partition lawfully.

3. The suit was initially dismissed for a default but was later restored on 07.02.2024.

4. In the course of the proceedings in the suit, the petitioner wanted to examine a witness, who is the Registrar of Births and Deaths, Dhupirbond Gram Panchayat, who was to produce a Death and Birth Register of the year 2019 with a particular registration number and another witness, who is the Registrar of Births and Deaths, P.O.-Krishnapur, Dharmanagar, North Tripura, who was to produce the Death and Birth Register for the year 1996 pertaining to an Entry dt.24.04.1996 by invoking Order XVI of CPC. Petitioner sought a direction to summon the said witnesses and also direct them to produce the said registers.

5. The application was opposed by the respondents.

6. The trial Court dismissed the application stating that this application was filed 6(six) years after filing of the suit and under Order XVI Rule 1(3) of CPC, it is the discretion of the Court to permit a party to call any witness whose name was not enlisted in the initial list of witnesses, there is no reasonable ground to exercise such power at this point of time, particularly even the names of these persons were not shown in the list of witnesses filed by the petitioner.

7. Challenging the said order, this Revision is filed.

8. In my opinion, petitioner can certainly obtain certified copies of the entries in the respective registers which are in the custody of the proposed

witnesses and file them in the Court. It is not necessary to call the persons having custody of the said registers as witnesses. As rightly held by the trial Court, the persons who were sought to be summoned were not mentioned in the list of witnesses filed by the petitioner and six years after filing of the suit, it cannot be said that it is necessary that they ought to be summoned.

9. Therefore, I do not find any merit in the Revision. It is accordingly dismissed.

Pending application(s), if any, stands disposed of.

(M.S. RAMACHANDRA RAO, CJ)

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