

HIGH COURT OF TRIPURA
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RSA No.47 of 2025
along with CRP No.25 of 2026

RSA No.47 of 2025

Sri Ranjit Das, S/O-Lt. Gopal Das of Uttar Pabiacherra,
Ward No.07, P.S.-Kumarghat, District-Unakoti, Tripura

..... Appellant(s)

Versus

Sri Sitendra Das @ Sitendra Kumar Das, S/O-Lt. Saday Das @ Saday
Chandra Das of Village-Uttar Pabiacherra, P.S.-Kumarghat, District-Unakoti,
Tripura

..... Respondent(s)

CRP No.25 of 2026

Sri Ranjit Das, S/O-Lt. Gopal Das of Uttar Pabiacherra,
Ward No.07, P.S.-Kumarghat, District-Unakoti, Tripura

..... Petitioner(s)

Versus

Sri Sitendra Das @ Sitendra Kumar Das, S/O-Lt. Saday Das @ Saday
Chandra Das of Village-Uttar Pabiacherra, P.S.-Kumarghat, District-Unakoti,
Tripura

..... Respondent(s)

For Appellant(s) : Mr. Samarjit Bhattacharjee, Advocate.

For Respondent(s) : Mr. Sankar Lodh, Advocate.
Mr. Subham Majumder, Advocate.

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

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24/04/2026

The appellant in the 2nd appeal and the petitioner in CRP is a
defendant in T.S. 05 of 2022 on the file of Civil Judge(Senior Division),
Kailashahar, Unakoti Tripura.

2. The respondent/plaintiff had filed the said suit against the
defendant for declaration of his right to the Schedule-A land and recovery of
Schedule-B land by evicting the defendant therefrom and by demolishing
structures made therein by the defendant.

3. The said suit was decreed on 29.07.2024.

4. The defendant applied for certified copy of the said judgment on 29.05.2025 and secured the same on 17.06.2025.

5. Thereafter, he filed the 1st appeal under Section 96 CPC before the District Judge, Unakoti District, Kailashahar numbered as T.A.01 of 2025 along with an application under Section 5 of Limitation Act, 1963 to condone delay of 119 days for filing the said 1st appeal. The said application was numbered as Civil Misc.(Condonation) 01 of 2025.

6. In the application seeking condonation of delay, it was the contention of the defendant that he had hired an advocate to represent him in both T.S.05 of 2022 and in another T.S.17 of 2022, and though judgments in both the cases appear to have been delivered on 29.07.2024, the advocate had informed the defendant about the pronouncement of judgment in T.S.05 of 2022 belatedly.

7. According to the defendant, he came to know about the Execution Case(T)07 of 2024 arising out of T.S.05 of 2022 only when he received summons and thereafter, he engaged different counsel and then filed the appeal after delay of 119 days.

8. He contended that there was sufficient cause for condonation of the said period of delay as the defendant had relied on previous advocate who failed in his professional duty to inform him about the judgment in T.S.05 of 2022.

9. This application was opposed by the plaintiff who contended that the judgments were pronounced on the same date in both the suits and so it cannot be believed that the defendant was aware of the judgment in only one case and not aware of the judgment in the other case. This reasoning was accepted by the trial Court to dismiss the application for

condonation of delay; and consequently on the same day, he also dismissed the appeal.

10. Challenging the dismissal of the application for condonation of delay, the defendant has filed CRP 25 of 2026 and challenging the dismissal of the 1st appeal, he has filed RSA 47 of 2025.

11. Heard both sides.

12. No doubt, knowledge of the party is relevant for considering whether the said party has acted within a reasonable time of the pronouncement of the judgment in a particular case to file the statutory appeal or not.

13. But it cannot be said that the date of pronouncement of the judgment is automatically known to a party and that he would be present at the time of pronouncement of the judgment always. Admittedly, the party in the trial Court would depend upon the counsel to inform him about the date of pronouncement of the judgment and if there was lapse on the part of the counsel, in that regard, the defendant cannot be blamed for being ignorant of the judgment in T.S.05 of 2022. Liberal approach should be adopted in matters where substantial stakes are involved in cases where declaration of title and recovery of possession, is sought.

14. In the facts and circumstances of the case, I am of the opinion that the District Judge, Unakoti District, Kailashahar had erred in dismissing the application for condonation of delay filed by the defendant in T.A.01 of 2025.

15. Therefore, CRP 25 of 2026 is allowed and Civil Misc(Condonation)01 of 2025 in T.A.01 of 2025 is allowed; and the delay of 119 days in filing the said T.A.01 of 2025 is condoned; consequently, the

order dt.22.05.2025 in T.A.21 of 2025 is also set aside, the said appeal is also restored to the file of the District Judge, Unakoti District, Kailashahar; and the said Court is directed to proceed and decide the appeal after hearing both sides in accordance with law.

16. RSA 47 of 2025 and CRP 25 of 2026 are allowed accordingly.

No costs.

(M.S. RAMACHANDRA RAO, CJ)

