

**HIGH COURT OF TRIPURA
AGARTALA**

**CRP No.80/2025
CRP No.81/2025**

Baishali Saha (minor), D/O. Lt. Santosh Kumar Saha, C/O. Sri Samir Chakraborty of Village-ONGC, Netajinagar, P.O.-ONGC, Badharghat, P.S.-Amtali, Pin-799003, District-West Tripura District. (To be represented by her next mother natural guardian Smti. Gita Chakraborty (Saha), resident of Village ONGC, Netajinagar, P.O.-ONGC, Badharghat, P.S.-Amtali, Pin-799003, District-West Tripura District.

..... Petitioner(s)

V E R S U S

1. Oil and Natural Gas Corporation, (to be represented by its Asstt. Manager, ONGC, Tripura Asset, Badharghat, P.O.-ONGC), P.S.-Amtali, P.O.-ONGC, Pin-799003, West Tripura District.
2. The Assistant Manager, ONGC, Tripura Asset, Badharghat, P.S.-Amtali, P.O.-ONGC, Pin-799003, District-West Tripura.
3. The In-Charge, Logistic Section, ONGC, Tripura Asset, P.O.-ONGC, Badharghat, P.S.-Amtali, , Pin-799003, District-West Tripura.
4. Smt. Mamata Saha (1st wife) W/O. Lt. Santosh Kumar Saha, Resident of Madhya Pratapgarh, Near Jewels Club, P.S.-East Agartala, P.O.-Agartala, District-West Tripura.
5. Sri Pradip Saha, S/O. Lt. Santosh Kumar Saha, Resident of Madhya Pratapgarh, Near Jewels Club, P.S.-East Agartala, P.O.-Agartala, District-West Tripura.
6. Sri Prasanta Saha, S/O. Lt. Santosh Kumar Saha, Resident of Madhya Pratapgarh, Near Jewels Club, P.S.-East Agartala, P.O.-Agartala, District-West Tripura.
7. Smti. Puspa Lata Saha, W/O. Sankar Saha, M/O. Lt. Santosh Kumar Saha, C/O. Sri Pranatosh Saha of Madhya Pratapgarh, Near Jewels Club, P.S.-East Agartala, District-West Tripura.
8. The State of Tripura, to be represented by the Chief Secretary, Revenue Department, Govt. of Tripura, P.O.-Agartala, District-West Tripura, Pin-799001.
9. The Sub-Divisional Magistrate, Sadar P.O.-Agartala, District-West Tripura, Pin-799001.

.....Respondent(s)

For Petitioner(s)	: Mr. Asim Kumar Deb, Advocate.
For Respondent(s)	: Mr. Karnajit De, Addl. G.A.

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

Order

20/02/2026

All respondents except respondent No.7 are served, but they have not engaged any counsel to defend themselves in these CRPs. So they are set *ex parte*.

2. Counsel for the petitioner does not wish to press these Revisions as against the respondent No.7 on the ground that she is residing in Bangladesh and the address of the said respondent is not known to the petitioner or her counsel.

3. Therefore, these Revisions are dismissed as against the respondent No.7 and would survive against the other respondents.

4. Heard counsel for petitioner/plaintiff.

5. These two Revisions are preferred against the common order dt.22.07.2025 passed by the Civil Judge, Senior Division, Court No.1, Agartala, West Tripura in Title Suit No.88 of 2019 rejecting applications filed by the petitioner/plaintiff.

6. The petitioner/plaintiff had filed the said suit against the respondents for a declaration that she is the legitimate daughter of Late Santosh Kumar Saha through his second wife Smti. Gita Chakraborty (Saha), and seeking a share in the arrears of family pension and other benefits payable on account of the death of her alleged father, which are currently being paid to the defendant No.4, who is the first wife of the deceased Santosh Kumar Saha, and for other reliefs.

7. One of the applications moved by the petitioner was an application under Order XVI Rule 6 and 7 of the CPC for issuing summons to defendants No.1 to 3 for producing certain documents referred to in the said application and giving the evidence or to produce the same before the Court through any authorized person who would be able to give evidence to that effect.

8. Another application was also filed for a similar relief seeking certified copies of the documents mentioned therein from the respondents No.1 to 3 and for giving evidence on the ground that the documents which had been furnished by the defendants No.1 to 3 were not certified copies but were only photocopies.

9. These two applications are treated by the Court below to be as the second application and third application filed by the petitioner.

10. The Court below rejected both these applications by the said common order passed by it.

11. The second application was rejected stating it was not maintainable under Order XVI Rule 6 and 7 CPC since the provisions of that order are applicable for summoning and enforcing attendance of witnesses and not for production of documents by the defendant. It also stated that there is express and specific provision in the CPC for directing the defendant to cause production of any document for inspection by the plaintiff.

12. When the Court below is aware that there is a specific and express provision in the CPC for directing the defendant to cause production of any document for inspection by the plaintiff, merely because the said provision is not quoted in the application by the petitioner, it was not proper

for the Court below to dismiss the said application. This is because it is settled law that mere quoting of wrong provision does not disentitle a party to relief, if the relief can be granted to the party by taking note of the correct provision of law.

13. As regards the third application filed by the petitioner is concerned, this was rejected on the ground that nowhere in the pleadings, defendants No.1 to 3 had denied and disputed those documents.

14. Since the documents supplied by the defendants No.1 to 3 which are referred to in the said application are not certified copies, I do not see any reason why the defendants No.1 to 3 cannot be summoned for producing originals/certified copies of the said documents or for producing the same and giving evidence before the Court below so that subsequently an objection to the admissibility of the same is not raised.

15. The further observation by the Court below that the documents mentioned in the said application are beyond the pleadings of the plaintiff is also, in my opinion, not warranted since it is premature to comment on the same. The Court below can, after hearing arguments of the plaintiff's counsel at the time of final hearing of the suit, decide whether the said documents are relevant or not.

16. The further reason given by the Court below that the application itself is not maintainable under Order XVI Rule 6 and 7 CPC is rejected for the same reason which I had given while dealing with the dismissal of the second application by the Court below.

17. Therefore, both the Revisions are allowed and the impugned orders are set aside and both the applications are allowed.

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

(M.S. RAMACHANDRA RAO, CJ)



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