

THE HIGH COURT OF TRIPURA
AGARTALA

CRP 23 OF 2013

1. Smti. Kanan Debbarma,
W/O. Late Madan Mohan Debbarma.
2. Sri Bikram Debbarma,
S/O. Late Madan Mohan Debbarma.

Both are resident of Banamalipur,
A.A. Road, Agartala,
P.S. East Agartala,
District-West Tripura.

..... **Petitioners.**

- V e r s u s -

Smti. Manju Das,
W/O. Late Sunil Das,
Resident of Aralia, Loknath Road,
P.S. East Agartala.

..... **Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the petitioners : Mr. P. Dutta, Advocate.

For the respondent : Ms. P. Dhar, Advocate.

Date of hearing & judgment : 22.04.2015.

Whether fit for reporting : **NO.**

JUDGMENT & ORDER (ORAL)

This revision petition is directed against the order dated 22-12-2012 passed by the learned Rent Control Court (Civil Judge, Jr. Division, Court No.1, Agartala, West Tripura) in case No.RCC 14 of 2012 whereby he allowed the application for amendment filed by the petitioner (respondent herein) who claims to be the tenant in the premises.

2. The tenant-respondent had filed an application under Section 14 of the Tripura Building (Lease and Rent Control) Act, 1975 (hereinafter referred to as the "Tripura Building Act") for passing an order of restoration of amenities on the ground that she was the tenant under both the petitioners herein. It was alleged that a dispute having arisen between the parties, the respondent-petitioner No.1 had put another lock on the lock put in by the respondent-tenant and, therefore, she by means of this petition prayed that the lock be removed. According to her, this lock was put by the landlords on 18-07-2009. The respondents filed written statement and raised various objections including the objection that only the respondent No.2 was the landlord of the premises and the respondent No.1 was not a proper party to the proceedings. The respondents have denied that there is any relationship of landlord or tenant.

3. The tenant-respondent thereafter filed an amendment petition and by means of the amendment petition, she has only sought the relief with regard to producing on record some written agreement entered into between the parties which would indicate that the landlord had agreed to permit the respondent-tenant from remaining in the premises beyond 30-06-2010 up to 30-06-2012. According to the respondent, this would amount to creation of tenancy and, therefore, she could not be evicted except in accordance with the provisions of the Tripura Building Act.

4. The main grievance is that after the petition was filed on 26-09-2012, the landlord along with some other people demolished the structure and stole the heavy machinery lying therein. Objections to this amendment petition were filed and the learned trial Court by the impugned order has allowed the amendment. This order has been challenged in this Court.

5. The main ground of challenge is that whereas in the amendment application it is stated that the building was demolished on 26-09-2012 and the goods/machinery was stolen on the same date on 26-09-2012, in the complaint filed before the Police Station the date of theft is shown to be 21-08-2012. I am not at all in agreement with this submission. If the complaint is read as a whole, it shows that the respondent alleges that some goods was stolen on 21-08-2012 and thereafter, on 26-09-2012 the entire building was demolished and the remaining goods was stolen. This Court is not going into the merits of the allegations and it is for the parties to prove the case before the Rent Control Court. However, this amendment application relates to facts which have allegedly taken place subsequent to the filing of the petition and, therefore, they could have been incorporated in the original petition. There is no error in the impugned order much less an error of jurisdiction in the case.

6. It is obvious that the only reason why this petition was filed was to delay the due process of Court. Therefore, the petition is dismissed with costs assessed at Rs.2,000/-(rupees two

thousand). In addition thereto, a direction is given to the parties to appear before the Rent Control Court on 19-05-2015.

7. The Registrar General is directed to ensure that the record reaches before the learned trial Court before the next date.

8. The matter is remitted to the trial Court who shall decide the matter on or before 31-08-2015.

9. With the above observations, the revision petition is dismissed.

CHIEF JUSTICE