

THE HIGH COURT OF TRIPURA

A G A R T A L A

CRP NO.114 OF 2015

Petitioners :

- 1. Tripura Press Owners' Association**
Having office at Tripura Bani Prakashani,
Dutta Super Market, Agartala, Tripura(W)
Pin-799001
Represented by its Secretary.
- 2. President,**
Tripura Press Owners' Association
Having its office at Tripura Bani Prakashani,
Dutta Super Market, Agartala, Tripura, (W)
Pin-799001
- 3. Secretary,**
Tripura Press Owners' Association,
Having its office at Tripura Bani Prakashani,
Dutta Super Market, Agartala, Tripura, (W)
Pin-799001.
- 4. Assistant Secretary,**
Tripura Press Owners' Association,
Having its office at Tripura Bani Prakashani,
Dutta Super Market, Agartala, Tripura, (W)
Pin-799001.
- 5. Treasurer,**
Tripura Press Owners' Association,
Having its office at Tripura Bani Prakashani,
Dutta Super Market, Agartala, Tripura, (W)
Pin-799001.
- 6. Smt. Gita Bhowmik,**
Proprietor of Puspa Printing
Dhaleswar, Agartala.
- 7. Sri Subhabrata Deb,**
Proprietor of Cexton Printer
J.B. Road, Agartala.
- 8. Sri Subhash Saha,**
Proprietor of Shubhan Printing house,
Math Chowmuhani, Agartala
- 9. Sri Prangopal Basak**

Proprietor of Taraknath Press
Kaman Chowmuhani,
A. A. Road, Agartala.

10. Sri Chand Mohan Saha,
Proprietor of Priya Printing Press
B.K. Road, Agartala.

11. Sri Abhijit Ray,
Proprietor of Ray Graphics & Publishing Enterprise
Indranagar, Agartala.

By Advocate : Ms. S. Deb Gupta.

Respondent :

Sengupta Printers
Represented by its Proprietor
Sri Benu Sengupta,
Of Madhyapara, P.O.- Agartala,
P.S. West Agartala, Dist- Tripura

Pro-Respondents

- 1. Tripura Legislative Assembly,**
Represented by its Secretary,
Assembly Secretariat New Capital Complex,
Agartala-799006
- 2. Govt. of Tripura,**
Represented by its Secretary,
To the Department of Education
Pin-799006
- 3. The Director**
State Council Education research and training (SECERT),
Abhoynagar, Agartala,
Pin-799005

By Advocate : None.

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

Date of hearing &
Judgment & Order : **22.9.2015**

Whether fit for reporting : **YES**

JUDGMENT & ORDER(ORAL)

This revision petition is directed against the order dated 23rd July, 2015 passed by the learned Civil Judge, Junior Division, Court No.4, West Tripura, Agartala whereby the learned Judge has rejected the prayer of the defendants 1 to 8, 10, 11, 13 to 15 i.e. the petitioners herein for extension of time in filing the written statement.

(2) The undisputed facts are that a suit was filed by the private respondent No.1 Sengupta Printers against the present petitioners and one Shri Raghunath Sarkar and in the said suit, the Tripura Legislative Assembly, Government of Tripura and the Director, State Counsel of Education Research and Training (SCERT) were arrayed as Proforma Defendants. In the said suit, all the petitioners herein were served summons prior to 13.02.2015. They did not file written statement within the period of 30 days as provided under law. However, the Court kept granting time to them to file written statement and then the case was listed on 23rd July, 2015 for filing of written statement. By this time 90 days had already elapsed.

(3) The petitioners again prayed for further time to file written statement. However, no written application was filed and the only ground given both before the trial Court and before this Court was that the name of defendant No.12 was wrongly given in the plaint and therefore, written statement could not be filed. In my view, this ground is no ground in the eyes of a law. If the name of

defendant No.12 was not correctly mentioned in the plaint the defendants could have filed a written statement stating therein that the name of defendant No.12 is wrongly mentioned in the plaint. Defendant No.17 filed written statement on that day and the right of the other defendants to file written statement was closed.

(4) The learned trial Court has passed an elaborate well reasoned judgment. There is no jurisdictional error in the order of the learned trial Court. Even before me other than stating since the name of defendant No.12 was wrongly mentioned no reason has been given why written statement could not be filed. As already held by me above, this is no ground.

(5) Therefore, I find no merit in the petition which is, accordingly, dismissed.

CHIEF JUSTICE

Dipesh