

Party Name : SANKAR DEBBARMA Vs GITA DEBBARMA & ORS

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

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This civil revision petition is directed against the judgment dated 28.8.2015 passed by the learned Civil Judge (Sr. Division), Court No.2, West Tripura, Agartala whereby the learned trial Court has rejected the application filed by the petitioner for re-examination of the plaintiff and for placing on record certain documents.

The suit has been filed by the plaintiff in the year 2006. The plaintiff claims to be in adverse possession of the suit land and his claim is that his adverse possession has matured into complete title. The documents sought to be produced are an order dated 06.8.2015 passed by the Mutation Officer. This order relates to some mutation application filed by the defendant No.2(a) and in this order the only fact which is stated is that the matter is sub-judice in Title Suit No. 76 of 2006 pending in the Court of Civil Judge (Sr. Division), Court No.2, West Tripura, Agartala and, therefore, the revenue Court has no alternative but to drop the proceedings.

This order will not help any party in proving its possession or ownership over the suit land. The only order which the Mutation Officer has passed is that he is not continuing with the proceedings. The other document sought to be proved is a communication sent by the Tahashilder, Sadar, West Tripura to the Mutation Officer that the land which is subject matter of the application appears not to be in the possession of the applicant. There is no clear cut finding who is in possession. Therefore, this document is also of no relevance.

In any event, I am clearly of the view that this document cannot be proved by the petitioner by producing the document on record. If this document was to be relied upon, it is the Tahashilder who would have to be called along with the record to prove this document because this document is not a document which is directly admissible in evidence. The suit is of the year 2006 and it is apparent that the plaintiff one way or the other after having obtained stay order is trying to delay the suit.

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

This Court has already given a dateline of 30.9.2015 to dispose of the suit and the trial Court is directed to ensure that the suit is disposed of by the said date.