

**THE HIGH COURT OF TRIPURA**  
**A\_G\_A\_R\_T\_A\_L\_A**

**CRP No.82 of 2014**

1. **Smt. Priti Kana Pal,**  
W/o Lt. Sukumar Pal  
of Town Pratapgarh,  
P.S East Agartala,  
District - West Tripura.
2. **Shri Ajay Krishna pal,**  
S/o Lt. Sukumar Pal.
3. **Shri Bijoy Krishna Pal,**  
S/o Lt. Sukumar Pal.
4. **Shri Sanjoy Krishna Pal,**  
S/o Lt. Sukumar Pal.
5. **Shri Dhananjoy Pal,**  
S/o Lt. Sukumar Pal.
6. **Shri Ashutosh Pal,**  
S/o Lt. Sukumar Pal,  
All resident o Town Pratapgarh  
P.S : East Agartala,  
District - West Tripura.
7. **Smt. Gita Pal,**  
D/o Lt. Sukumar Pal,  
R/o Town Pratapgarh  
P.S : East Agartala  
District : West Tripura.
8. **Smt. Amita Rani Pal,**  
D/o Lt. Sukumar Pal,  
of town Pratapgarh,  
P.S : East Agartala,  
District - West Tripura.

..... *Petitioners.*

– *Versus* –

**Shri Bhusan Lal Sutradhar**  
S/o Lt. Prakash Chandra Sutradhar,  
R/o - Town pratapgarh,  
P.O : Agartala, P.S : East Agartala,  
District : West Tripura.

..... *Respondent.*

\_B\_E\_F\_O\_R\_E      
**THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA**

For the petitioners : Mr. S Roy, Advocate.  
 For the respondent : Mr. S Chakraborty, Advocate.  
 Date of hearing and : 13.01.2015.  
 delivery of judgment.  
 Whether fit for reporting : No.

JUDGMENT & ORDER (ORAL)

By means of this petition, the petitioners have challenged the order dated 4<sup>th</sup> September, 2014 whereby the learned trial Court did not grant adjournment to the petitioners(*hereinafter referred to as the defendants*) to cross-examine the witnesses especially PW.1.

2. The facts necessary for decision of the case are that the plaintiff had filed a suit for declaration of his right and possession over the suit land. Issues in the suit were framed on 21.7.2014 and the plaintiff did not file any evidence of these witnesses on 13.8.2014. Evidence by way of affidavit of one witness PW.1 was filed on 20.8.2014 and of PW.2 on 26.8.2014. On 04.9.2014 both these witnesses were present when a request was made on behalf of the defendants that matter be adjourned since the senior counsel was not available. The Court did not accede to the request and directed the counsel on record to appear in cross-examination of the witnesses. The counsel cross-examined PW.2, Smt. Kalpana Sutradhar but expressed his inability to cross-examine PW.1, Bhusan Lal

Sutradhar who was the main witness. He again requested for the adjournment but this request was declined.

3. Though the order under question may not be totally illegal, I am of the view that keeping in view the fact that this was the first date on which the witnesses were present and also the fact that the plaintiff had not opposed the request for grant of adjournment the defendants could have been granted one more opportunity subject to payment of costs.

4. In this view of the matter the petition is allowed and one further opportunity is granted to the defendants to cross-examine PW.1 subject to payment of Rs.1,000/- (Rupees one thousand) as costs. The matter is now listed before the trial Court on 17<sup>th</sup> January, 2014. The Registry is directed to ensure that the record reaches the trial Court by the said date and the costs shall be tendered on 17<sup>th</sup> January, 2014 and, thereafter, the learned Court shall fix a date for cross-examination of PW.1. In case costs are not paid on 17<sup>th</sup> January, 2014 then this petition shall be deemed to have been dismissed.

With these observations the petition is disposed of.

**CHIEF JUSTICE**