HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

CRP 57 of 2025

1. Mahabur Hossain, (70 years)
S/o Fajal Haque,
Resident of Paschim Aralia,
P.S. Sonamura, District-Sepahijala Tripura
2. Fajal Haque, (65 years)
S/o Late Gulam Hossain,
Resident of Paschim Aralia,
P.S. Sonamura, District-Sepahijala Tripura
3. Riman Maruf (Minor),
S/o Jewel Hossain,
Represented by Mahabur Hossain,
(petitioner No.1 herein),
Resident of Paschim Aralia,
P.S. Sonamura, District-Sepahijala Tripura

-----Defendant Petitioner(s)

VS

1. Rajia Khatoon,
W/o Late Hanif Miah,
2. Anowar Hossain
3. Akhtar Hossain
4. Iman Hossain
5. Jahir Hossain
6. Jashim Uddin

Sl. No.2 to 6 are sons of Late Hanif Miah
All are of Village-Paschim Aralia, P.S. Sonamura,
District-Sepahijala Tripura

-----Plaintiff Respondent(s)

For Petitioner(s) : Mr. Pradip Chakraborty, Advocate.

For Respondent(s) : Mr. Abhijit Sengupta, Advocate.

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

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12/12/2025

Heard both the sides.

2. This Revision is filed challenging the order dated 16.04.2025 passed by the Civil Judge (Senior Division), Court No.1, Sepahijala District, Sonamura in T.S. 15 of 2022.

3. The said Court had allowed the application under Order XXII Rule 4 filed by the respondents for substitution of the legal heirs of deceased defendant No.1.

4. The said application had been filed on 16.04.2025 and was also allowed on the same day.

5. It is the contention of the petitioners in the Revision that without offering any chance to the petitioners to file written objection to the said application filed by the respondents/plaintiffs, the Court below erroneously recorded that there was no objection from the side of the petitioners and allowed the application.

6. Counsel for the plaintiffs/respondents is not able to show any docket order passed by the Court below giving time to the petitioners to file objections to the application filed by the respondents to bring on record the legal representative of the deceased defendant No.1.

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7. When a petition is filed and taken up on the same day though it is served on the counsel for the petitioners, he would not have opportunity to consult his clients, and therefore, the Court below erred in allowing the said application on the very same day on which it was filed without granting time to the petitioners to file objection to the same.

8. Therefore, this Revision is allowed; order dated 16.04.2025 impugned in this Revision passed by the Civil Judge (Senior Division), Court No.1, Sepahijala District, Sonamura in T.S.15/2022 is set aside and the said application under Order XXII Rule 4 filed by the respondents is remitted back to the said Court. The petitioners are granted 2(two) weeks

from today to file the counter affidavit to the said application after serving the counsel for the respondents; and then the said Court shall decide the said application after hearing both sides. This exercise shall be completed by 31.01.2026.

(M.S. RAMACHANDRA RAO, CJ)

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