HIGH COURT OF TRIPURA
AGARTALA

CRP No.59 of 2025

Sri Rajkumar Rudra Paul, S/o Late Rukmini Rudra Paul, resident of Gopalnagar, P.S. Kalyanpur, District- Khowai Tripura

.....Petitioner(s);

Versus

Sri Himangshu Paul, S/o Late Hirendra Paul, resident of Gopalnagar (Kunjaban), P.S. Kalyanpur, District- Khowai Tripura

.....Respondent(s)

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

For Respondent(s) : None.

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

Order

01/11/2025

This revision is filed challenging order dated 15.07.2025 in TA 02 of 2023 rejecting petitioner's request for appointing an Advocate Commissioner, which request was admittedly made on the date the matter was posted for hearing arguments in the appeal.

2. Admittedly, the very same application was previously rejected on 19.11.2024 by the Trial Court, but in CRP No.12 of 2025 filed against the said order, this Court, on 28.02.2025, permitted the Trial Court to exercise the discretion for appointment of Survey Commissioner if it deems fit at the appropriate stage during the appeal.

3. Though this order was passed on 28.02.2025, till July, 2025 there is no material placed on record by the petitioner to show that such a request to appoint a Survey Commissioner was made on behalf of the petitioner. Merely because the High Court in CRP 12 of 2025 observed that the Appellate Court is not precluded from exercising discretion to appoint a Commissioner at a later stage, it does not mean that the petitioner can seek such appointment. The

intention of the High Court obviously was that if the Court felt the need of appointing an Advocate Commissioner then it can do so.

4. Moreover, a reading of the said application shows that the application was filed to ascertain as to whether the respondent was possessing the land of the appellant/petitioner illegally, and also to identify the suit land as per the boundary of the sale deed executed by the vendor of the petitioner.

5. As regards the first prayer is concerned, that would clearly amount to collecting of evidence, which is impressible in law.

6. As to the second prayer in the application, I fail to understand why such a request to demarcate the land was made at the final hearing of the appeal when such a request was not made during the pendency of the suit in the Trial Court.

7. Therefore, I do not find any merit in the revision, and it is accordingly dismissed. No costs.

(M.S. RAMACHANDRA RAO, CJ)

HIGH COURT OF TRIPURA
सत्यमेव जयते

Pijush/

MUNNA SAHA Digitally signed by MUNNA SAHA
Date: 2025.11.03 13:53:44 +05'30'