

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
CRP 13 of 2026

Sri Chandan Deb,
S/o Late Sushil Chandra Deb
of Madhya Bhubanban, Near Netaji Club,
Barjala, P.O. West Bhubanban,
P.S.-West Agartala, District-West Tripura

-----Petitioner(s)

VS

Sri Dipak Deb,
S/o Late Sushil Chandra Deb
of Madhya Bhubanban, Near Netaji Club,
Barjala, P.O. West Bhubanban,
P.S.-West Agartala, District-West Tripura

-----Respondent(s)

For Petitioner(s) : Mr. Abhijit Gon Chowdhary, Advocate.

For Respondent(s) : None.

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

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18/02/2026

This Revision is filed against the order dt. 24.06.2025 of Learned Civil Judge, Senior Division, Court No.1, West Tripura, Agartala in case No.T.S.(P)134 of 2024 declaring that the petitioner defendant cannot file a written statement in the said suit.

2. Admittedly, the petitioner received summons on 05.02.2025 and filed Vakalatnama on 07.02.2025.

As per the provisions of Order VIII Rule 1 CPC normally written statement is to be filed within thirty days from the receipt of summons, which period can be extended up to ninety days by the Court.

3. The Trial Court had posted the matter for filing written statement on 28.04.2025 and on that day, time was sought by the petitioner for filing written statement. The matter was then adjourned to 01.07.2025.

4. Thereafter, the respondent plaintiff filed an application for advancement of hearing on the ground that he was unwell and was suffering from kidney disease and was on dialysis. It was served on the counsel for the petitioner and he had stated that he had no objection. Hearing of the case was thus advanced to 24.06.2025, and on that day, the impugned order was passed refusing to receive the written statement of petitioner on the ground that the statutory period for filing the same was found elapsed.

5. Challenging the same, this Revision is filed.

6. Though counsel for the petitioner seeks to contend that on payment of cost, his client may be permitted to file the written statement, such a request cannot be accepted, having regard to the time limit fixed in the CPC.

It is not normally permissible for the Court to grant more time than what is prescribed in the statute for filing the written statement unless exceptional circumstances exist. There is no proper and valid explanation given by the petitioner as to the circumstances which led the petitioner not being able to file the written statement within the time prescribed by the statute. His plea that he was out of station for treatment of his wife is very vague and cannot be accepted.

Therefore, I do not find any merit in the Revision and it is accordingly dismissed.

(M.S. RAMACHANDRA RAO, CJ)

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