(2026:THC:515-DB)

HIGH COURT OF TRIPURA
AGARTALA

RFA No. 08 of 2026

Smt. Champa Bhowmik (Biswas) *(aged about 42 years), Wife of Sri Biswajit Biswas, D/o- Late Narayan Chandra Bhowmik, resident of Ashrampara, Jolaibari, P.O- Jolaibari, PS – Baikhora, District- South Tripura.*

……...Appellant.

Versus

Sri Biswajit Biswas, *son of late Adhir Chandra Biswas, resident of Madhyapara, Amtali, P.S Amtali, District- West Tripura.*

…….Respondent.

For the Appellant(s) : Mr. Sankar Lodh, Advocate.
Mr. K. Roy, Advocate.

For the Respondent(s) : None.

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA
ORDER

22.04.2026

[1] This appeal is filed under Section 96 of the Code of Civil Procedure, 1908, against the impugned judgment dated 31.01.2026 passed by the learned Civil Judge, Senior Division, Court No. 1, West Tripura, Agartala in T.S. (C.C) 8 of 2025 whereby the learned Judge, Senior Division, Court No. 1 West Tripura, Agartala, rejected the plaint under Order VII Rule 11(c) CPC.

[2] The appellant has prayed for the following reliefs:-

> *"i. admit this appeal;*
> *ii. call for records;*
> *iii. issue notices upon the respondents; and*
> *iv. after hearing the parties be pleased to allow the appeal by setting aside the impugned Judgment and decree dated 31.01.2026 passed by the learned Civil Judge, Senior Division, Court No.1, West Tripura, Agartala, (Sri. S. Saha), in T.S.(C.C) 8 of 2025 (arising out of T.S. 49 of 2025) whereby, learned Civil Judge, Senior Division, Court No.1, West Tripura, Agartala, rejected the plaint under Order VII Rule 11(c) CPC, and thereafter, restore the Counter Claim*

i.e. T.S(CC) 8 of 2025, and direct the Id. Court below to hear the Counter Claim i.e. T.S(CC) 8 of 2025 in accordance with law".

[3] When the case is called, Mr. Sankar Lodh, learned counsel is present before this Court on behalf of the appellant. None appears for the respondent.

[4] Mr. Lodh, learned counsel submits before this Court that he has no hesitation to pay the *ad-valorem* fee as applicable under the Acts and Rules.

[5] Accordingly, this Court directs that the appellant shall deposit the *ad-valorem* fee as applicable under the Acts and Rules and he shall also take steps before the concerned Trial Court to proceed with the matter in accordance with law. Thereafter, the Court below shall consider the case of the appellant subject to payment of *ad-valorem* fee on or before ***30th April, 2026.***

[6] In view of the above direction, the appeal is disposed of and the matter is remanded back for fresh adjudication setting aside the impugned judgment and decree dated 31.01.2026 (dismissal order) passed in T.S. (CC) 8 of 2025.

[7] As a sequel, miscellaneous applications, pending if any, also stands closed.

S.DATTA PURKAYASTHA,J ***DR.T. AMARNATH GOUD,J***

Paritosh

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