

Party Name : State Of Tripura And 2 Ors. Vs Rakhal Mog And Another

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed for staying the further proceedings of the case No. T.S. 16 of 2012 which is pending before the learned Civil Judge (senior division), South Tripura, Udaipur. The petitioners have filed the instant revision petition under Article 227 of the Constitution against the order dated 31.05.2013 passed by the learned Civil Judge (Senior Division), South Tripura, Udaipur in TS. 16 of 2012 and this Court on 7.10.2013 admitted the revision petition issuing notice in the instant C.M. application and till returnable date also granted an interim stay order. Mr. J. Majumder, learned counsel for the petitioners while urging for stay order as sought for would contend that when this court admitted the revision petition against the order impugned, it can be easily said that a prima facie case has been made out for stay also. He further submits that the respondents did not file any affidavit against the prayer for stay. Thus, it can be presumed that they have no objection to the prayer for stay. Mr. Somik Deb, learned counsel for the respondents submits that when the revision petition is admitted, the respondents are leaving the matter to the court whether the stay order passed earlier would be made absolute or not. Considering the entire facts and circumstances, the interim stay order passed by this court on 7.10.2013 is made absolute as the same is required for the interest of justice. With the aforesaid order, the instant C.M application is disposed of.