

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 365 OF 2020

Present:

For the petitioner (s) : Mr. T.Datta Majumder,
Sr.Advocate.
Mr. G.S. Bhattacharjee, Advocate.

For the respondent (s) : Mr. D. Sharma, Addl. G.A.

HON'BLE MR.JUSTICE ARINDAM LODH

31.05.2021

Order

Heard Mr. T. Datta Majumder, learned Sr. counsel assisted by Mr. G.S. Bhattacharjee, learned counsel appearing for the petitioners. Also heard Mr. D. Sharma, learned Addl. G.A. appearing for the State-respondents.

At the time of hearing of this petition, it is transpired that there is specific provision to prefer appeal. As such, I am not inclined to entertain this application filed under Section 226 of the Constitution of India challenging the judgment and order passed by the learned Designated Court (District & Sessions Judge, Unakoti, Kailashahar).

At this juncture, Mr. Datta Majumder, learned Sr. counsel appearing for the petitioner has sought for withdrawal of the instant petition with a liberty to prefer appeal.

Mr. D. Sharma, learned Addl. G.A. has raised objection to allow liberty to the petitioners to file appeal.

I have considered the submissions of learned counsels of both sides. In my opinion, filing of appeal is statutory right. In other words, the statute empowers an aggrieved person to prefer appeal under Section 11 of the Tripura Protection of Interests of Depositors (In Financial Establishment) Act,

2000 as amended up-to-date. As such, I have no alternative but to repel the submission of learned Addl. G.A. objecting liberty to the petitioners to prefer appeal.

Accordingly, liberty is granted to the petitioners to file appeal as contemplated under Section 11 of the Tripura Protection of Interests of Depositors (In Financial Establishment) Act, 2000 as amended up-to-date.

The instant writ petition is accordingly disposed off in the above terms.

JUDGE

