

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

CRP.No. 28 of 2022

For Petitioner(s) : Mr. S. Lodh, Advocate.
For Respondent(s) : Mr. G. K. Nama, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

30/06/2022

Heard Mr. S. Lodh, learned counsel appearing for the petitioner. Also heard Mr. G. K. Nama learned counsel appearing for the respondents.

This petition has been filed under Article-227 of the Constitution of India for quashing/setting aside the impugned order dated 30.03.2022 passed by the learned Civil Judge (Junior Division), Dharmanagar, North Tripura, in Civil Misc. 06 of 2022 arising out of T.S. (Evict) 03 of 2021, whereby the learned Civil Judge (Junior Division), Dharmanagar, North Tripura, rejected the prayer of the petitioner to set aside the order dated 10.12.2021 and accept the written statement.

The brief facts of the case are that due to illness of the petitioner, he could not file the written statement, learned Court of the Civil Judge, Junior Division Dharmanagar, North Tripura, vide order dated 10.12.2022 debarred the petitioner to file the written statement and on the next day, the petitioner filed the written statement along with an application under Order-IX Rule-7 of the C.P.C. to set aside the ex-parte order and to accept the written, but the learned Court below, vide impugned order dated 30.03.2022 rejected the prayer of the petitioner. Challenging the impugned order dated 30.03.2022, passed by the learned Civil Judge, Junior Division, Dharmanagar, North Tripura, the present petition has been filed.

In view of above, the impugned order passed by the learned Court below is set aside. The matter is remand back to the Court below to receive the written statement and proceed with the matter in accordance with law. The objection raised by the learned counsel appearing for the respondents for payment of any costs, this Court having considered his objection, Rs.5,000/- cost be paid in favour of the High Court Bar Association.

Accordingly, this petition stands disposed of.

JUDGE