

**HIGH COURT OF TRIPURA  
AGARTALA**

CRP NO.84 OF 2022

Shri Prasanta Bhattacharjee  
Vs.  
Shri Shimul Saha

**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

**Present:**

For the Petitioner(s) : Mr. S. Lodh, Advocate.  
For the Respondent(s) : None.

**30.09.2022**

**Order**

This is an application filed under Article 227 of the Constitution of India, for quashing/setting aside the impugned order dated 02.09.2022, passed by the learned Civil Judge(Senior Division), West Tripura, Agartala, Court No.1 in M.S.43 OF 2018 whereby, learned Civil Judge(Senior Division), West Tripura, Agartala, Court No.1 rejected the petition filed by the defendant-petitioner for adjournment of the case and debarred the defendant-petitioner to adduce evidence.

Heard Mr. S. Lodh, learned counsel appearing for the petitioner.

This Court feels that to meet the ends of justice, more opportunity ought to have been given, and since the petitioner submits that he has not willfully and wantedly evaded the proceeding from January to September, but for his certain family

exigencies, and due to the non-cooperation of the other witnesses, he could not pull everyone for adducing evidence before the Court below on his behalf.

However, by considering the said submission, one more opportunity is allowed to the petitioner herein subject to the condition that the petitioner herein shall deposit Rs.10,000/- (Rupees Ten Thousand only) to the Secretary, Tripura High Court Bar Association and file the proof of the payment before the Court below along with the order of this Court. On receipt of the same, the Court below shall give an opportunity to the petitioner herein and his witnesses to face the cross-examination and proceed in accordance with the law.

With the above observation and direction, this instant petition stands allowed, and the impugned lower Court order dated 02.09.2022 is set aside.

Consequently, pending application(s), if any, also stands closed.

**JUDGE**

suhanjit