

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.60 of 2023

Agartala Municipal Corporation

.....Petitioner(s)

Versus

Sri Anupam Bhattacharjee and others

.....Respondent(s).

For Petitioner(s) : Mr. A. Bhaumik, Advocate,
Mr. S. Dey, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

30/11/2023

Heard learned counsel for the petitioner.

[2] Title Suit No.42 of 2021 was preferred by the plaintiff/respondent No.1, for cancellation of certain sale deeds in which the petitioner was a proforma-defendant. He received summons on 10th November, 2021. He could not file the written statement within the time prescribed under Order VIII Rule 1 of CPC and therefore prayed for extension of time, which was rejected by order dated 18th February, 2022. Thereafter, the written statement was filed on 29th May, 2023 invoking Section 151 of the CPC. The learned Trial Court has refused to accept the written statement and rejected the application by the impugned order dated 8th September, 2023.

[3] Mr. A. Bhaumik, learned counsel for the petitioner submits that the explanation furnished by the petitioner have not been considered. The prayer for accepting the written statement has been rejected on a simple

reason that Section 151 of CPC cannot be invoked for that purpose. It is also submitted that the petitioner, though being proforma-respondent, has an important stand to take in the suit. As such, the impugned order may be interfered with.

[4] I have considered the submissions of the learned counsel for the petitioner and taken note of the relevant facts placed from the records. Having regard to the fact that the service of summons was served on 10th November, 2021, and the prayer for extension of time for filing written statement was rejected, and still the petitioner choose to wait for one year & three months to file a written statement with a prayer for its acceptance under Section 151 of the CPC on 29th May, 2023, I do not find any grounds to interfere in the impugned order passed by the learned Court below.

Accordingly, the instant petition is dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ