

**HIGH COURT OF TRIPURA**  
**\_A\_G\_A\_R\_T\_A\_L\_A\_**  
**CRP No.51 of 2024**

Sri Manik Lal Ghosh  
..... *Petitioner(s)*

V E R S U S

Sri Pradyot Choudhury  
..... *Respondent(s)*

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For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,  
Mr. Rahul Debbarma, Advocate.

For Respondent(s) : None.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**  
**=O=R=D=E=R=**

**28/06/2024**

Heard Mr. Somik Deb, learned senior counsel assisted by Mr. Rahul Debbarma, learned counsel appearing for the petitioner.

By virtue of an indulgence granted by this Court in CRP No.19 of 2024 dated 15.03.2024 the defendant/petitioner was given one opportunity to appear physically before the learned trial Court on the next date in order to be cross-examined in accordance with law subject to suitable cost. It was also made clear that no further time may be granted. On the relevant date i.e. 12.04.2024 the defendant produced witness, namely, Manik Lal Ghosh (DW-1) who was examined, cross-examined and discharged. The learned Court also allowed cost of Rs.2,000/- upon the defendant to be paid to the plaintiff. Learned counsel for the defendant had further made an application under Order VIII Rule 1-A(3) of CPC for seeking leave of the Court for acceptance of two number of original documents at the stage of evidence. On objection made by the plaintiff and after consideration of the

submission of the parties the prayer was rejected as the application was neither verified nor supported by affidavit. Thereafter, examination of defendant witness was closed on the verbal submission of learned counsel for the defendant. The defendant-petitioner has once again approached this Court on denial of leave to adduce two original documents at the stage of evidence in terms of Order VIII Rule 1-A(3) of CPC.

Mr. Somik Deb, learned senior counsel for the petitioner has sought to impress upon the Court that such a recourse was not necessary as these two documents were already referred to in the list of documents along with Xerox copies and the same could have been adduced during examination of DW-1 for being exhibited. Learned trial Court also fell in error in rejecting the same. He has referred to the provisions of Order VIII Rule 1-A and Order XIII of CPC as well. He prays that one more indulgence may be granted to the defendant to adduce those two documents which are one GD Entry dated 26.07.2015 and one original school register.

This Court, however, upon consideration of submission of learned counsel for the petitioner is not inclined to grant any further indulgence to the defendant. On the previous occasion despite closure of evidence the defendant was allowed an opportunity to be examined and cross-examined as the argument of the case had not commenced. On the subsequent date, he was cross-examined and discharged and thereafter the stage of defendant witnesses was closed on the submission of learned counsel for the defendant as well. It would not be proper to allow recall of such witness at this stage once again as it would not be in consonance with

the interest of justice, more so, when the defendant witness stage has already been closed on the submission of learned counsel for the defendant himself.

Therefore, this Court does not find any reason to interfere in the matter. Accordingly, the instant civil revision petition is dismissed.

Pending application(s), if any, also stands disposed of.

**(APARESH KUMAR SINGH) CJ**

**DIPESH DEB**

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