

**HIGH COURT OF TRIPURA
AGARTALA**

CRP No.15 of 2025

1. Smt. Mira Chakraborty, aged about 45 years, wife of late Prandhan Chakraborty, C/o Sri Sunil Bhattacharjee, resident of Thana Road, Sarnomoyee Lane, P.O. Dharmanagar-799250, P.S.-Dharmanagar, District-North Tripura;
 2. Smt. Poilami Chakraborty, aged about 20 years, daughter of late Prandhan Chakraborty, C/o Sri Sunil Bhattacharjee, resident of Thana Road, Sarnomoyee Lane, P.O. Dharmanagar-799250, P.S.-Dharmanagar, District-North Tripura;
 3. Sri Debapriya Chakraborty (minor), aged about 13 years, son of late Prandhan Chakraborty, C/o Sri Sunil Bhattacharjee, resident of Thana Road, Sarnomoyee Lane, P.O. Dharmanagar-799250, P.S.-Dharmanagar, District-North Tripura;
- (Petitioner No.3, being minor, represented by petitioner No.1, being mother and natural guardian)

.....Petitioner(s);

Versus

1. Smt. Sikha Rani Chakraborty, wife of late Tushar Kanti Chakraborty, D/o late Nihar Ranjan Chakraborty, resident of Badharghat, Sreepalli, P.O. Madhuban, Dukli, -P.S.-Amtali, District-West Tripura;
2. Smt. Swapna Chakraborty, wife of Sri Bacchu Chakraborty, D/o late Nihar Ranjan Chakraborty, resident of Kalikapur, P.O. Rajnagar, Laxmipur, P.S.-Dharmanagar, District-North Tripura;
3. Smt. Ratna Choudhury, wife of late Dijadash Choudhury, D/o late Nihar Ranjan Chakraborty, C/o Sri Manik Das, resident of Chandrapur, near Hospital, P.O. Dharmanagar-799250, P.S.-Dharmanagar District-North Tripura;
4. Smt. Sukla Sonar (Chakraborty), wife of late Punna Bahadur Sonar, D/o late Nihar Ranjan Chakraborty, resident of Gokulnagar, near TSR Office, P.O. Bishalgarh-799102, P.S.-Bishalgarh, District-Sepahijala, Tripura;
5. Smt. Shipra Bhattacharjee, wife of late Ranjit Bhattacharjee, D/o late Nihar Ranjan Chakraborty, resident of Lower Huplong, Dima Husao, Huplong, Assam.

.....Respondent(s).

For Petitioner(s) : Mr. Abhijit Sengupta, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

28/02/2025

Heard Mr. Abhijit Sengupta, learned counsel for the petitioners.

2. The learned Trial Court of Civil Judge (Sr. Division), Court No.2, North Tripura, Dharmanagar has by the impugned order dated 14.11.2024 in

Civil Misc. 175/2024 in Title Suit (P) No. 14/2021 rejected the prayer to adduce attesting witness of a registered will No.III-00015 dated 05.06.2014 said to have been executed by one Nihar Ranjan Chakraborty, the grandfather of the minor defendant No.3 bequeathing the Schedule A properties in favour of the defendant No.3 who is the petitioner No.3 herein on the ground that neither the list of witnesses supplied in terms of Order XVI Rule 1 of CPC referred to any such witness, nor the names of the attesting witnesses have been disclosed in such application and moreover the case has advanced to the stage of argument after completion of the evidence of the plaintiffs and defendants upon framing of the issues as back as on 22.11.2022. The learned Trial Court also did not find 'sufficient ground' made out on behalf of defendant No.1 on the plea that she is a woman to condone the delay in making such an application at a belated stage as she is a government servant and an educated woman who cannot be said to be unaware of the nuances of the legal proceedings. Petitioner, being aggrieved, has approached this Court.

3. Mr. Sengupta, learned counsel for the petitioners, submits that interest of justice would be met if one opportunity is allowed in favour of defendant No.1 who is the legal guardian of defendant No.3 to adduce the registered will whereby the suit property in Schedule A was bequeathed in favour of defendant No.3 by his grandfather. It is further submitted that the mutation records have already been adduced by the defendant witnesses in respect of Schedule A property indicating that suit properties bequeathed by way of registered will in favour of defendant No.3 stand already recorded in the revenue records in his name. Moreover, the names of attesting witnesses are

self-evident in the registered Will document. It is also submitted that proceedings of the learned Trial Court have just moved on to the stage of argument and in fact today though is the second date of argument but on the first date i.e. on 25.01.2025, the learned PO was on leave for training. Therefore, interest of justice would be met if the defendant is allowed one opportunity to adduce the attesting witnesses.

4. Having regard to the aforesaid facts and circumstances though this Court does not find any error in the order of the learned Trial Court, but if the arguments in T.S. (P) 14 of 2021 have not commenced, the learned Trial Court may consider the request of the defendant/petitioner to adduce the attesting witnesses on any particular date, of course after hearing the other side and if necessary, with suitable costs. The learned Trial Court may also impose a condition that no further time would be allowed for adducing such witness by the defendants No.1 & 3.

5. The instant revision petition is disposed of with the aforesaid observations.

(APARESH KUMAR SINGH), CJ