

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

CRP No.36 of 2025

Sri Rakhal Raj Dutta, Age-79 years, son of late Akhil Chandra Dutta, MBB
College Road, Shivnagar, Agartala, Pin-799004.

..... Plaintiff Petitioner(s)

V E R S U S

1. Radiant Highrise Private Limited, represented by its Director Sri Priyesh Prasad Singh, having its registered office at 3A, Auckland Place, 9th Floor, P.S. & P.O.- Shakespeare Sarani, Kolkata-700017.

..... Defendant Respondent(s)

2. The State of Tripura, represented by the Collector, West Tripura District (Office of DM & Collector), Agartala, West Tripura, Pin-799001.

..... Proforma Defendant Respondent(s)

For Petitioner(s) : Mrs. Mampi Chakraborty, Advocate.

For Respondent(s) : Mr. Kohinoor N Bhattacharya, G.A.,
Mr. Debalay Bhattacharya, Sr. Advocate,
Mr. Saikat Saha, Advocate,
Mr. Saugat Datta, Advocate.

HON'BLE THE CHIEF JUSTICE MR. M.S. RAMACHANDRA RAO

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29/08/2025

Heard counsel for the petitioner as well as counsel for the respondents.

[2] This revision petition is filed challenging order dt.22.01.2025 of the Civil Judge (Jr. Division), Agartala, West Tripura, Court No.7 in Case No. T.S. 33 of 2023 referring the parties to arbitration by applying Section 8 of the Arbitration and Conciliation Act, 1996 in view of Clause XIX of the agreement between the parties.

[3] While passing the order, certain findings on merits have been recorded as to the existence of illegality or uncertainty in the agreement between the parties and also on the aspect as to whether the agreement is to

be frustrated under Section 56 of the Contract Act. It was highly improper on the part of the Court below to express any opinion on this aspect while refusing to proceed further in the suit and remitting the parties to arbitration.

[4] Therefore, the order of the Court below insofar as the findings on the above aspects are concerned, are set aside, but the order of the Court below insofar as it directs the parties to avail remedy of arbitration, is sustained.

[5] The instant Civil Revision Petition is disposed of.

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

(M.S. RAMACHANDRA RAO, CJ)

