
(2025) 12 TP CK 1715

In the Tripura High Court

Case No : I.A. No. 01 Of 2025 In Second Appeal From Judgement And Decree
05 Of 2025

Md. Azim Uddin & Ors

APPELLANT

Vs

Mst. Newarun Nessa

RESPONDENT

Date of Decision : 01-12-2025

Acts Referred:

Citation : (2025) 12 TP CK 1715

Hon'ble Judges : M.S. Ramachandra Rao, CJ

Bench : Single Bench

Advocate : Alik Das, Ratan Datta, Saswati Nag

Final Decision : Dismissed

Judgement

M.S. Ramachandra Rao, CJ

This application is filed to condone the delay of 160 days in filing this RSA against the order dt. 26.06.2024 in Title Appeal No.27 of 2023 by the Additional District Judge, North Tripura, Dharmanagar.

The appellants are defendants in the suit.

Though the judgment of the Additional District Judge was delivered on 26.06.2024, the appellants had applied for certified copy of the said judgment on 10.02.2025 and after securing it on 18.02.2025 have filed this appeal on 04.03.2025. Therefore, the appellants cannot contend that the delay in filing the appeal is only 160 days and in fact it is 170 days.

The only reason assigned in the application for condonation of delay is that all the appellants are daily labourers by profession and it is not possible for them to come to Agartala for handing over the case records for preferring the Second Appeal before this Court.

In the Additional Affidavit filed, it is stated that one of the appellants by name Siyab Uddin is employed outside India in the State of Kuwait, and therefore it

was not possible to file the appeal within the period of limitation.

The respondents had filed a Counter Affidavit opposing the condonation of delay denying that all the appellants were outside the State. They also contended that even those of them who are present in the State, would have applied for the certified copy of the judgment of the Additional District Judge, but they had not chosen to do so.

I agree with the contention of the counsel for the respondent that no explanation is offered by the appellants as to why they did not even apply for certified copy of the judgment of the Additional District Judge till 10.02.2025. Even if the appellants were not residing within the State, they could have always instructed their lawyer to apply for the certified copy and could have also got the Vokatnama signed in the presence of some Notary in whichever place they are residing, even if they are in abroad, then sent it to their family members and ensured that the appeal filed within the period of 90 days permitted by law. There appears to have been a totally lethargic and negligent attitude on the part of the appellants in pursuing this Second Appeal.

Therefore, this application for condonation of delay is dismissed. Consequently, the appeal is also dismissed.