

HIGH COURT OF TRIPURA
AGARTALA

CRP No.3 of 2026

Sri Sunil Baran Kar, son of Late Brajendra Kumar Kar, resident of West Paikhola, PO - Paikhola, PS - Belonia, District - South Tripura.

....Petitioner(s)

Versus

1.Sri Jagadish Chandra Kar, son of Late Brajendra Kumar Kar, resident of Sukantapalli, Rajarbag (near Housing Board), PO- Udaipur, P.S R.K Pur, District – Gomati

2.Sri. Milan Chandra Kar, son of Late Brajendra Kumar Kar, resident of Sukantapalli, Rajarbag (near Housing Board), PO - Udaipur, PS - R.K Pur, District – Gomati.

....Respondent(s)

For Petitioner(s)	:	Mr. Samar Das, Advocate. Mr. Agniva Chakraborty, Advocate.
For Respondent(s)	:	Mr. Pinki Chakraborty, Advocate.

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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

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27.02.2026

Heard Ld. Counsel of both sides.

[2] As submitted by Ld. Counsel Mr. Samar Das for the petitioner, initially the petitioner filed T.S. (P) No.6 of 2020 in the Court of Ld. Civil Judge (Sr. Div.), Court No.1 South Tripura, Belonia for partition of their ancestral property. Accordingly, a preliminary decree was passed by the Ld. Trial Court which was not challenged by either parties. Thereafter, the petitioner approached for final decree and thereafter, according to Ld. Counsel, a Survey Commissioner was appointed. The petitioner raised his grievances regarding report of Survey Commissioner on certain points and accordingly, a written objection against the same was filed.

[3] Now, it is the grievance of the petitioner that ignoring these points of objection raised by the petitioner, final decree was passed by Ld. Trial Court on 24.02.2025. Against the same thereafter,

the petitioner filed a review petition bearing No. Civil. Misc.(Rev)No.1 of 2025. Along with the same a petition for condonation of delay for condoning the delay of 72 days was also filed which has been rejected by the Ld. Trial Court vide order dated 15.12.2025 which is impugned herein.

[4] Ld. Trial Court, while rejecting the petition, observed that it was not a case of delay of 72 days only; rather, the actual delay was of 92 days and moreover, according to Ld. Trial Court, reason for such delay was not properly explained.

[5] Ld. Counsel Mr. Samar Das submits that after passing of the final decree, it was detected by the petitioner that the Survey Commissioner in his report had committed serious mistake in making apportionment of the suit land between the parties which would ultimately create a misunderstanding between them and such mistake was detected by them only after obtaining certified copy of said final decree. Ld. Counsel submits that mutation of land was done in favour of the parties based on such defective report of survey commissioner which is creating further complicity.

[6] Ld. Counsel Mr. Samar Das, submits that the delay itself was totally unintentional and the petitioner was vigilant throughout about his cause, but he being a layman and ignorant about the land matters, same could not be detected earlier.

[7] Ld. Counsel Smt. P. Chakraborty for the respondent, however, submits that the petitioner did not submit any written objection against the said Survey Commissioner report in the Trial Court and therefore, the report was accepted by the Court and moreover, actual delay for which condonation was sought for, was 92 days and not 72 days. On that ground, Ld. Counsel has opposed the prayer.

[8] On consideration of submission of both sides, it appears that the period of delay is very minimum, and according to the petitioner, the alleged defect, if any, in said report of Survey Commissioner was detected by them only after collection of certified copy of the final decree.

[9] According to the petitioner, after collection of certified copies, said mistake was also carried over in the mutation and therefore, to avoid any future complications and dispute between the parties, said review petition has been submitted without any further delay.

[10] The explanation as offered by the petitioner appears to be reasonable and satisfactory and it is very usual that such mistake, if any, may be detected by the parties, to a *lis*, after collection of certified copies of the decree.

[11] Though the petitioner could be more alert regarding this matter when the Survey Commissioner had submitted its report, but when the defect in the Survey Commissioner is being alleged apprehending deterioration of relationship between the close relatives, such grievance of the petitioner should be examined by the Court on merit, of course, within the parameters of the provisions of law.

[12] Considering all these aspects and taking some lenient view, the delay in filing the review petition is condoned and accordingly impugned order dated 15.12.2025 passed in Misc.(Condonation)No.4 of 2025 is set aside.

[13] Ld. Trial Court is directed to take up hearing and decide the original Civil Misc.(Review.)No.1 of 2025 on merit strictly in accordance with law.

[14] With such observations and directions, the appeal is disposed of.

Interim Application(s), if any, shall also stand disposed of.

[15] Communicate a copy of this order to the Ld. Trial Court.

JUDGE