

**THE HIGH COURT OF TRIPURA
AGARTALA**

CRP 86 of 2019

Sri Debabrata Pal,

son of late Sunil Chandra Pal, resident of Madhya Kashipur,
P.O. Reshambagan, P.S. East Agartala, District- West Tripura.

... **Petitioner**

- **Versus** -

Sri Dulan Bhattacharya,

son of late Jogendra Chandra Bhattacharya, resident of Churaibari,
P.O. Churaibari, P.S. Churaibari, Dharmanagar, District- North Tripura

... **Respondent**

For Appellant(s) :	Mr. SM Chakraborty, Sr. Advocate Ms. P. Chakraborty, Advocate
For Respondent(s):	Mr. KN Bhattacharjee, Sr. Advocate Mr. T. Debbarma, Advocate
Date of hearing & delivery of Judgment & Order :	08.04.2021
Whether fit for reporting:	Yes / No

**HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT(ORAL)**

Heard Mr. SM Chakraborty, learned senior counsel assisted by Ms. P. Chakraborty, learned counsel for the petitioner. Also heard Mr. KN Bhattacharjee, learned senior counsel assisted by Mr. T. Debbarma, learned counsel for the respondents.

2. This revision petition has been filed challenging the order dated 20.07.2019 passed in case No. M.S. 03 of 2017 by learned Civil Judge, Senior Division, North Tripura, Dharmanagar.

3. I have gone through the order dated 20.07.2019

4. Mr. SM Chakraborty, learned senior counsel for the petitioner has submitted that the learned court while passing the order dated 20.07.2019 had asked the respondent to produce the bank statement and on the same date he will pass the judgment. In that case, the petitioner would not get any scope to cross-examine the respondent and, undoubtedly, the

petitioner will be prejudiced since he would not be able to counter the said document.

4. I find force in the submission of learned senior counsel for the petitioner.

5. True it is, if the court requires any document or evidence, on such document he may direct the party concerned to approach the court with formal application prescribed in the statute with prior notice to the other party so that he can counter and contest the merits of such application or the document, if any for appropriate adjudication and render equitable justice to the parties in the suit, then, the learned court has the liberty to call for any such record or document from the parties to the suit. At the same time, it is equally true that the other party may oppose such document(s) or may question the evidentiary value of the said document. In that case, it is the duty of the court to direct the party, willing to produce any document.

6. Accordingly, it is directed that, if the plaintiff files any document with formal application, the learned court will give opportunity to the defendant to file objection. The document has to be brought on record in accordance with the provision of the Evidence Act, after giving full opportunity to cross-examine the plaintiff by the defendant on that particular document. The court also may direct the plaintiff to adduce evidence on his behalf with liberty to the defendant to cross examine.

7. With the aforesaid observation and direction, the instant revision petition stands allowed to the extent, as indicated above, and thus, disposed of.

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

Send down the LCRs immediately.

JUDGE