

(2025) 12 TP CK 0029

Tripura HC

Case No: Revision Petition No. 73 Of 2025

Sarba Dharma Mission & Ors

APPELLANT

Vs

Ranjit Kumar Das

RESPONDENT

Date of Decision: Dec. 12, 2025

Acts Referred:

- Code Of Civil Procedure, 1908 - Order 41 Rule 5

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

Bench: Single Bench

Advocate: Sujoy Sarkar, Dipak Deb, Abhijit Sengupta

Final Decision: Dismissed

Judgement

M.S. Ramachandra Rao, CJ

The petitioners herein, are the plaintiffs in Title Suit 91 of 2018 on the file of the Civil Judge (Sr. Div.), Court No.1, West Tripura, Agartala.

They filed the said suit seeking a declaration of the right and interest in the running and managing of the affairs of **Sarba Dharma Mission**, a religious institution; a declaration of the formation of interim executive committee and also selection of the petitioners No. 2 & 3 as President and Secretary of the said Mission by the General Body in a meeting held on 06.05.2018 and 03.06.2018; to perform the affairs of the **Sarba Dharma Mission**, which is the first petitioner, and to hold the elections of the next President of the Mission following the Memorandum/Constitution of the same. They also sought a declaration that the respondents/defendants are no longer the President and Secretary of the said Mission and they have no right to perform any work of the affairs of the said Mission and have no right to interfere in holding the election of the next President of the Mission by the interim committee as well as the interim executive committee, and by the interim President and Secretary, i.e. the petitioners No. 2 and 3. In addition to the above reliefs, they also sought for a permanent injunction restraining the

respondents from performing any works in respect of the affairs of the petitioner No. 1 Mission, designing them as the President and Secretary and to disturb the interim committee and the interim President and interim Secretary in performing the affairs of the Mission. They also sought a permanent injunction restraining the respondents from interfering in holding of the elections to office of the next President of the Mission by the interim committee and the interim President and Secretary.

After contest, the said suit was dismissed with costs.

Challenging the same, the petitioners filed Title Appeal No. 12/2025 before the Additional District Judge, Court No.4, West Tripura, Agartala.

In the said appeal, they filed Civil Misc. (Stay) 09 of 2025 seeking staying of operation of the judgment of the trial court.

By the impugned order dated 30.08.2025 the Addl. District Judge, dismissed the said stay petition holding that the bye-laws of the petitioner No.1 did not provide for formation of any interim committee.

Challenging the same, this Revision petition is filed.

In my considered opinion, once the suit filed by the petitioners has been dismissed by the trial court, it was not open to the petitioners to file a stay application under Order XLI Rule 5 of the CPC before the Additional District Judge while challenging the judgment of the trial court in Title Appeal No.12 of 2025. Only if the suit had been decreed, can an application under Order XLI Rule 5 could be maintained.

Therefore, I do not find any error of jurisdiction in the order of the Additional District Judge dismissing the stay application being Civil Misc. (Stay) 09 of 2025 in Title Appeal No. 12 of 2025.

Accordingly, this Revision fails and is dismissed.

No costs.