

Serial No.01
Supp.1 List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC.Tr.P.(C). No. 1 of 2024

Date of Decision :10.05.2024

Shri. Paul Leong,
S/o. (L) T.S.Leong,
R/o. Mawprem, Shillong,
East Khasi Hills District,
Meghalaya.

...Petitioner/Applicant

-Versus-

The Archdiocese of Shillong,
R/o. Laitumkhrah, Shillong,
East Khasi Hills District,
Meghalaya.

...Opposite Party.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. S.J.Diengdoh, Adv.
Mr. C.C.T.Sangma, Adv.

For the Respondent(s) : -

JUDGMENT AND ORDER (ORAL)

1. This MC.Tr.P(C) No. 1 of 2024 has been preferred citing urgency, inasmuch as, an order is operating against the petitioner passed by the Court of Assistant District Judge, Shillong dated 18-04-2024, in Misc. C/No. 49 (H) 2023 /T.Ex C/No.2 (H) 2017. It has been submitted by Mr. S.J.Diengdoh, learned counsel for the applicant that against the said order, an appeal had been preferred before the Court of the District Judge, Shillong, but as the same could not be taken up as both the District Judge and the Additional District Judge, Shillong, the matter was referred to this Court. This Court, by order dated 09-05-2024, had directed for transfer of the FAO Case No. 1(H) 2024, to the Court of the District and Sessions Judge, Ri-Bhoi District, Nongpoh.

2. It is submitted that as the appeal is yet to be taken up and the order directing the judgment debtor i.e., the applicant herein to remove all the goods and articles from the suit premises on or before 10-05-2024 is in operation, some limited protection is necessary till the appeal is taken up for consideration.

3. It is further stated by Mr. S.J.Diengdoh, learned counsel that though copies of the application was sought to be served to the counsel for the opposite party, the said counsel was not inclined to accept the copies, and due to urgency, this matter is being moved today.

4. Heard learned counsel for the applicant.
5. As per the submission and the materials, it is noted that it is correct that the order dated 09-05-2024 had been passed by this Court transferring FAO Case No. 1(H) 2024 filed against the order dated 18-04-2024, of the Assistant District Judge, Shillong in Misc. Case No. 49 (H) of 2023, to the Court of the District and Sessions Judge, Ri-Bhoi District, Nongpoh, and the same is yet to be taken up.
6. Also perused the order dated 18-04-2024, wherein at paragraphs 12 to 16, it has been recorded as follows:

“12. In consideration of the observation made above this court is inclined to direct the judgment debtor to remove all the goods and articles from the suit premises in present of the Bailiff of this court and O.C. Sadar P.S on or before the 10-05-2024.

13. Bailiff to unlock the suit premises in presence of the judgment debtor, decree holder and O.C Sadar P.S.

14. UDA Shri. S.Mawrie to assist the Bailiff during the entire process of the removal of the items/materials by the judgment debtor.

15. Judgment debtor to comply with this order of the court failing which necessary orders shall be rendered against him.

16. Fix 14-05-2024 for report from Bailiff. Send copy of this order to all concerns. B/A to take steps.”

7. As such, in view of the urgency and the fact that no relief can be forthcoming to the petitioner in a short period, it is directed that till the FAO Case No. 1(H) 2024 is taken up for consideration by the Court of the District and Sessions Judge, Ri-Bhoi District, Nongpoh, the order dated 18-04-2024, passed by the learned Assistant District Judge, Shillong in Misc. C/No. 49 (H) 2023/T.Ex C/No. 2 (H) 2017, shall be kept in abeyance.

8. With the above direction, this MC.Tr.P(C) No. 1 of 2024 stands disposed of.

Judge

Meghalaya
10.05.2024
"Samantha PS"