



Serial No.02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 10 of 2024

Date of Order :09.07.2024

Ka Antinora Rynghang,
 Wife of U Drass Muktieh,
 Resident of Mawbri Village,
 Raid Iapngar, Khrim Syiemship,
 Ri-Bhoi District.

...Petitioner

-Versus-

1. Ka Dorbar Shnong Mawbri represented
 by its Rangbah Shnong,
 Raid Iapngar, Khyrim Syiemship,
 Ri-Bhoi District.
2. The General Secretary
 Ka Dorbar Shnong Mawbri,
 Raid Iapngar, Khyrim Syiemship,
 Ri-Bhoi District.
3. Ka Nebelda Marpan
 Wife of U Hermon Shadap,
 Resident of Lumsohpieng,
 Bhoirymbong, Myllem Syiemship.

...Respondents.

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Ms. N.G.Shylla, Adv.
 Ms. F.Kharsyiemiiong, Adv.

For the Respondent(s) : Mr. A.R.Passah, Adv.



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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. This is an application under Order 6 of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 read with Section 115 of the CPC, 1908.

2. The brief facts are that the petitioner as plaintiff had instituted T.S. No. 13 of 2024 before the District Council Court, Shillong praying for declaration of right, title and ownership over the suit land amongst others, along with a Misc. Case No. 22 of 2024 praying for grant of interim injunction against the respondents. The Trial Court by order dated 15-03-2024, was then pleased to grant ad interim injunction. The respondent No.3 represented by Mr. A.R.Passah, learned counsel had then preferred a Misc. Civil Appeal being MCA. No. 3 of 2024 before the Lower Appellate Court (Additional Judge, District Council Court, Shillong) who by order dated 02-05-2024, had stayed the impugned order and restrained the parties from cultivating or carrying out any other activities within the suit land.

3. Ms. N.G.Shylla, learned counsel for the petitioner submits that the entire proceedings before the Additional Judge, District Council Court,



Shillong is vitiated and irregular, inasmuch as, a non-existent order which had been recorded therein as 15-11-2024 had been stayed. Further, it is submitted that without the petitioner's knowledge or any application, the said date was then subsequently corrected by the Court itself. Learned counsel submits that the petitioner being aggrieved with the order dated 04-06-2024, whereby the error was corrected without any application, and the stay being maintained, has been compelled to approach this Court with the instant application.

4. Mr. A.R.Passah, learned counsel for the respondents submits that notwithstanding anything else, the order dated 02-05-2024, though incorrectly staying a non-existent order, however contains further directions restraining the parties from cultivating or carrying out any other activities within the suit land. He further fairly submits that the error that has crept is due to the laches on the part of the respondent No. 3 and prays that appropriate orders be passed by this Court.

5. I have heard learned counsel for the parties and perused the orders which have been annexed including the impugned order. It appears that the mistake in the date is due to the fact that the respondent No. 3, in the Memo of Appeal instead of 15-03-2024 has typed 15-11-2024, which had not detected by the Lower Appellate Court and as such, has been reflected in the order dated 02-05-2024. Further, it is seen that by the later order



dated 04-06-2024, the learned Additional Judge on the submissions of respondent No. 3 had corrected the date to 15-03-2024, and has maintained the order dated 02-05-2024 pending final hearing of the appeal.

6. From the given facts of the case, as is seen that the entire confusion had arisen due to the wrong quotation of the date. As such, in order to correct the procedure or the irregularity that has occurred, it is directed that the learned Additional Judge, District Council Court, Shillong shall hear the MCA. No. 3 of 2024 afresh. Parties are put to notice to appear on the next date fixed for rehearing of the appeal or for any other orders that may be passed by the learned Court below. It is provided that till the matter is heard and orders passed therein, status quo as on today shall be maintained by both the parties.

7. With the above direction, matter stands disposed of.

Judge