



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Tr.P.(C) No. 8 of 2024

Date of order: 09.07.2024

1. Rangbah Shnong,
Mawtnum Village Raid Marngar,
Myllem of Syiemship.
2. Secretary Shnong,
Mawtnum Village Raid Marngar,
Myllem of Syiemship.

...Petitioners

- Versus -

1. Smti. Carmila Mawrie,
R/o Mawtnum Village,
P.O. and P.S. Nongpoh,
Ri-Bhoi District, Meghalaya.
2. Shri M. Makei alias Bin Makri,
R/o Mawtnum Village,
P.O. and P.S. Nongpoh,
Ri-Bhoi District, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. S. Vaidyanathan, Chief Justice

Appearance:

For the Petitioners : Mr. C.C.T. Sangma, Adv.

For the Respondents : Mr. J. Shylla, Adv. [For R 1]
None appears for R/2

A letter dated 21.06.2024 from the District Council Court, Khasi Hills, Shillong has been placed before me pursuant to which the Registry was directed to number the transfer application and to list the matter before this Court.



2. For relevance, the said communication dated 21.06.2024 from the office of the District Council Court, Khasi Hills, Shillong is extracted below:

“OFFICE OF THE DISTRICT CONSEL COURT
KHASI HILLS, SHILLONG.

NO. DC/JDL/III/2/2017-2023/590 Dated Shillong, the 21st, June 2024

To,
The Assistant Registrar,
High Court of Meghalaya,
Shillong.

Subject :- **Transmission of Case records.**

Sir/Madam,

With reference to the subject cited above, I have the honour to inform you that the appellant in this instant case filed application No.856/24 for referring the matter to the Hon’ble High Court of Meghalaya.

On perusal of the instant application alongwith the materials available on record, it is found that this court and the Additional Judges of the District Council Court, Shillong have taken the subject matter of the case, while we were the Presiding Officers, hence this appeal is hereby referred to the Hon’ble High Court of Meghalaya.

The original Case Records of Title Civil Appeal No.2 of 2024 (Rangbah Shnong Mawtnum & anr –Vrs– Smti. Carmila Mawrie & anr) and all connected papers of the above mentioned case are sent herewith as per enclosures below.

Kindly acknowledge receipt of the same.

Enclosures :-

Title Civil Appeal No.2 of 2024

(i) File ‘A’ – 129 Sheets.
Total – 129 Sheets.

Yours faithfully,
Sd/-
(Smti. S.B. Laitthma)
Judge
District Council Court,
Khasi Hills, Shillong”



2. From the above, it is clear that the matter had been taken up by the Judge and Additional Judge(s) of the District Council Court, Shillong while they were the Presiding Officers, Subordinate District Council Court, Khasi Hills, Shillong.

3. Mr. J. Shylla, learned counsel appearing for the respondent No. 1 has produced an order dated 10.06.2024 passed in Tr.P.(C) No. 4 of 2024 transferring the matter to the learned Judge, District Council Court, Jowai, West Jaintia Hills District. For ready reference, paragraph 5 of the order dated 10.06.2024 is reproduced hereunder:

“5. Accordingly, the prayer is allowed. The said appeal No. MCA No. 01 of 2023 pending before the Judge, District Council Court, Shillong is now transferred to the court of the learned Judge, District Council Court, Jowai, West Jaintia Hills District with a direction that the said court would take up the matter and on appearance of the parties would dispose of the same in accordance with law.”

4. According to both the parties, the issue in both the matters is common even though the parties are different. In view of the same, the matter is transferred to the District Council Court, Jowai, West Jaintia Hills District. Since both the parties are present and the second respondent, Shri M. Makei alias Bin Makri is not represented, no prejudice is going to be caused to him as the matter is transferred and this Court has not decided the matter on merits. The District Council Court, Jowai, West Jaintia Hills District is expected to send fresh notice



to the respondent No.2, Shri M. Makei alias Bin Makri so as to enable the parties to appear on 13.08.2024.

5. Registry is directed to transmit the records to the court of the learned Judge, District Council Court, Jowai.

6. In view of the above, Tr.P. (C) No. 8 of 2024 stands disposed of.

(S. Vaidyanathan)
Chief Justice