



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(CRP) No. 7 of 2025

Date of Decision: 27.10.2025

Shri. Jesterwell Kharshandi,
Madan-Laban, Shillong-793004,
East Khasi Hills District,
Meghalaya

..... **Petitioner**

- Versus-

1. Collector, Ri-Bhoi District,
Nongpoh, Meghalaya.
2. Smti. Treasure Irene Syiemlieh,
R/o Chapal Road, Quallapatty,
Shillong-2, East Khasi Hills District,
Meghalaya.

..... **Respondents/Opp. Party**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s)	:	Mr. R. Debnath, Adv. Ms. B. Khongiong, Adv.
For the Respondent(s)	:	Mr. J.N. Rynjah, GA (For R 1) Ms. M. Dev, Adv. (For R 2)

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| i) Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) Whether approved for publication
in press: | Yes/No |



ORDER

1. Heard Mr. R. Debnath, learned counsel for the petitioner as well as Ms. M. Dev, learned counsel for the respondent No. 2. Mr. J.N. Rynjah, learned GA appears for the respondent No.1/Collector, Ri-Bhoi District, Nongpoh.

2. Upon hearing the parties, this Court is made aware that the petitioner has filed an application under Section 115 of the Code of Civil Procedure, being aggrieved and dissatisfied with the order dated 09.12.2024 passed by the Court of the learned Special Judicial Officer, East Khasi Hills District, Shillong in Misc Case No. 29(H) of 2024.

3. However, in course of filing of the said Civil Revision Petition, according to the learned counsel for the petitioner, there has occurred a delay of 18 days, this calculation being taken after considering the fact that after the passing of the said order dated 09.12.2024, the certified copy was applied for on 10.12.2024. But for the ensuing winter holidays when the civil court was closed, the certified copy was received only on 19.02.2025. Given the time required to file the revision petition, which is 90 days following the order, the same ought to be filed within 08.03.2025. Again, on account of the death of the elder brother of the petitioner on 01.03.2025, following the bereavement period, the said revision petition was able to be filed only on 18.03.2025, thereby incurring a delay of 18 days.



4. The learned counsel for the petitioner has submitted that this delay may be condoned and the revision petition be heard on merits, failing which great prejudice will be caused to the petitioner as he will suffer irreparable loss and injury.

5. Per contra, Ms. M. Dev, learned counsel for the respondent No. 2 has opposed the prayer made in this petition on the ground that the same is not maintainable as there is no specific averment made in this petition as to the exact date by which period the petitioner ought to have filed this instant condonation petition for proper calculation of the time of delay.

6. Secondly, the learned counsel has also contended that the petitioner herein has filed the revision petition with a prayer for quashing the order dated 12.07.2019 passed in Impleadment/Substitution Application No. 62/115 dated 23.03.2017 along with the order dated 09.12.2024 passed in Misc. Case No. 29(H) of 2024, the delay upon calculation, will come to about 5 years 9 months and 19 days, which fact was suppressed by the petitioner, thereby rendering this petition to be liable for dismissal on this ground alone.

7. The third contention raised by the learned counsel is that the ground cited that the delay was caused due to the death of the brother of the petitioner is also unsubstantiated, inasmuch as, the death certificate was not enclosed in this petition.



8. Finally, the learned counsel has submitted that no strong objection is made to the alleged delay of 18 days, however, it is reiterated that the fact that there was a delay of about 6 years or so, therefore, this petition be dismissed on this ground.

9. Mr. J.N. Rynjah, learned GA has submitted that the respondent/Collector would endorsed the submission made by the learned counsel for the respondent No. 2, however, it is reiterated that the petitioner has come before this Court with the revision petition together with the application for condonation of delay in filing the same, but what the petitioner has actually done is that he has combined the order dated 12.07.2019 by which the application for impleadment/substitution was rejected by the Trial Court and thereafter, a review of the said order dated 12.07.2019 was filed, which petition was again dismissed by the learned Trial Court vide order dated 09.12.2024, as such, the petitioner could not have sought for condonation of delay of only 18 days but the prayer ought to have been for the period of about 5 years or so. Hence this petition has no merits and may be dismissed, submits the learned GA.

10. This Court has considered the submission and contention of the learned counsel for the parties. From what has been presented herein, it is apparent that certain orders have been passed by the learned Special Judicial Officer in L.A. Case No. 1 of 2024 (Original case number L.A. Case No. 117



of 2015). On the demise of one of the parties therein, that is, Shri. Ojendra Kharchandi, an application for substitution/impleadment was preferred by the petitioner herein. The same was rejected vide order dated 12.07.2019. Thereafter, a review application was filed against the said order dated 12.07.2019 which was finally rejected vide order dated 09.12.2024. Against this order dated 09.12.2024, the petitioner has filed a revision petition, accompanied by this instant application for condonation of a delay of 18 days in filing the same.

11. This then is the situation as it stands today. Though the respondents have not specifically made any objection to the delay of 18 days, however, exception has been taken to the fact that the petitioner has come before this Court, seeking condonation of delay of 18 days when in fact, the delay of 5 years 9 months or so has occurred taking the order dated 12.07.2019 into consideration. In this regard, this Court has failed to understand the logic behind the contention of the respondents, as what is apparent is that the only order sought to be assailed by the petitioner is that of 09.12.2024. The validity or legality of the said order dated 12.07.2019 may have to be looked into when the main revision petition is heard, but not at this stage. The case of **H. Guruswamy & Ors v. A. Krishnaiah Since Deceased by Lrs reported in 2025 SCC Online SC 54** at para 16 cited by



the learned counsel for the petitioner is found relevant in this connection.

Extracts of para 16 is reproduced herein as:

“16.... While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.”

12. In view of the above, this Court need not travel further, but suffice it to say that sufficient cause has been shown to allow condonation of the said delay of 18 days in filing the related revision petition.

13. Accordingly, this petition is hereby allowed, the delay of 18 days is condoned and the revision petition is directed to be brought on board. Registry to register the same and to list the matter for admission after 1(one) week from the date of passing of this order.

14. Misc. Case disposed of. No costs.

Judge