



Serial No.01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No.5/2024

Date of Order: 09.12.2025

1. Throwis Lamo, Headman of Mynkrem village.
2. Tredli Pakma, Secretary
3. Prodish Nangbah
4. Lipham Nangbah
5. Lokis Khynriam, Member Dorbar Mynkrem

Substituted by:

1. Shri Hesterly Khyriem, Headman of Mynkrem village, Elaka Nongjingi, West Jaintia Hills District, Meghalaya.
2. Shri Emdal Bhoi, Executive Member of Mynkrem village, Elaka Nongjingi, West Jaintia Hills District, Meghalaya.

Both are resident of Mynkrem village, Elaka Nongjingi, West Jaintia Hills District, Meghalaya. Petitioners

Vs.

Smti. Dabiangmon I Kya

..... Respondent

Coram:

Hon'ble Mr. Soumen Sen, Chief Justice

Appearance:

For the Petitioners : Mr. J. Shylla, Adv with
Mr. M.L. Nongpiur, Adv

For the Respondent : Ms. A.D. Syiem, Adv with
Mr. G. Syngkrem, Adv

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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**JUDGMENT: (Oral)**

In a suit for declaration and possession filed by the opposite parties, the learned trial court dismissed the suit on the ground that the plaintiff was unable to establish her right and interest over the suit land along with a finding that the subject-matter of the suit is not situated within the jurisdiction of Elaka Mynso and it falls under Elaka Nongjngi.

2. Admittedly, none of the parties could adduce any documentary evidence in support of the said issue. Needless to mention, the plaintiff has to establish the right irrespective of the weakness of the defence of the defendant. However post-decree, a survey was conducted by the officer of JHADC in the presence of the Headman and Secretary of the adjoining village and the boundary map was prepared regarding the land, jurisdiction and boundary of Elaka Mynso and adjoining Elaka. The application for additional evidence was filed at this stage upon the applicant became aware of such subsequent developments for the purpose of establishing the plaintiff's claim over the property in question on the basis of such map. The learned Judge of the District Council Court, Jowai allowed the application as it was felt that it is



important that such evidence is necessary for the purpose of deciding the second issue namely, the location of the suit land.

3. The learned counsel for the petitioners has submitted that the said issue was never raised at the trial, nor can it improve upon the claim of the plaintiff, as the plaintiff was unable to establish her right over the suit land. However, it cannot be ignored that issue No.2 is also an issue required to be decided by the appellate court and in deciding the said issue as raised by the plaintiff/appellant in the first appeal, the said evidence cannot be ignored. Whether the finding on the said issue No.2 would have any relevance in deciding the issue No.1 would be entirely for the trial court to decide. The present issue is limited to the exercise of jurisdiction by the first appellate court in allowing the application for additional evidence.

4. The grounds being made out for such additional evidence to be allowed at the appellate stage, I do not find any reason to interfere with the impugned judgment. Accordingly, the petition fails and it is hereby dismissed.

5. However, having regard to the fact that the matter has been pending since 2000, the learned trial court is directed to record the



evidence with regard to issue No.2 in T.S.No.2 of 2000, preferably within a period of three months from the date of communication of this order by either of the parties and after completion of recording of the additional evidence to send it back to the first appellate court for consideration. The trial court shall not grant any adjournment to either of the parties unless it is unavoidable and shall try to adhere to the timeline indicated in this order. The District Council Court is also requested to conclude the hearing of the appeal as expeditiously as possible after receiving the record from the learned trial court, as the suit has been pending between the parties since 2000. The Registrar (Judicial) is directed to communicate this order to the learned trial court as well as to the learned Judge, District Council Court, Jowai for information and compliance.

(Soumen Sen)
Chief Justice

Meghalaya
09.12.2025
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