



Serial No. 01
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

FA No. 1 of 2024

Date of CAV: 18.08.2025

Date of pronouncement: 01.09.2025

1. Food Corporation of India, a body corporate, established under the Food Corporation of India Act, 1964, having perpetual succession and common seal, HQ.16-20 Barakhamba lane, New Delhi:110001, represented by its General Manager (R), NEF Regional Office, Mawlai Mawroh, Shillong-8, district: East Khasi Hills, Meghalaya-793008, M/NO:-8077819095 (DM Shillong, DO)email: srmme.fci@nic.inshillsh@fci.gov.in
2. The General Manager (R) FCI, NEF Regional office Mawlai, Mawroh, Shillong, District-East Khasi Hills, Meghalaya, PIN:793008
3. Divisional Manager (earlier known as Area Manager), Divisional Office, Mawlai, Mawroh, Shillong, District-East Khasi Hills, Meghalaya, PIN:793008
...Appellants

- Versus -

(L) Dranly Lyngdoh, S/o (L) M. Nongsiej, so long Government whole-seller of food grains and transport contractor of the F.C.I., Lower Laichumiere, Hopkinson Road, Shillong-1, District-East Khasi Hills, Meghalaya, also having residence at Themmarwet P.O. Byrnihat Khanapara-Umling, Ri-Bhoi District, Meghalaya, PIN: 793101 represented by his following heirs and successors:-

1. Smti. Anita Lyngdoh, W/o (L) Dranly Lyngdoh, R/o Lower Laichumiere, Hopkinson Road (near Gold gym), Shillong-1, District-East Khasi Hills, Meghalaya. Landline Phone No. 0364-2225048, M/No. 49435112075, PIN-793001, Email-Not know.
2. Shri Paul Lyngdoh, S/o L) Dranly Lyngdoh, R/o Lower Laichumiere, Hopkinson Road (near Gold gym), Shillong-1, District-East Khasi Hills, Meghalaya. PIN-793001



3. Smti. Andrina Lyngdoh, D/o L) Dranly Lyngdoh, R/o Lower
Laichumiere, Hopkinson Road (near Gold gym), Shillong-1, District-East
Khasi Hills, Meghalaya. PIN-793001**Respondents**

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Mr R. Choudhury, Adv
For the Respondents : Mr B.D. Konwar, Sr Adv. with
Mr J. Singh, Adv.
Mr L.S. Aimol, Adv.

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

J U D G M E N T

(Delivered by Hon'ble, the Chief Justice)

The plaintiff in a commercial money suit (No. 11 of 2023) before the learned Judge, Commercial Court, Shillong, East Khasi Hills district is the appellant before us. On the defendant's/respondent's application (herein referred to as the respondent) under Order VII Rule 11(d) of the Civil Procedure Code, 1908, the learned judge rejected the plaint and dismissed the suit on the ground that it was barred by the laws of limitation.

Aggrieved, the appellant has instituted this appeal before us.

The material facts are very short. There is no dispute that the cause of action arose on 18th January, 2011 when the contract between the parties



was terminated by the appellant. There is also no dispute that the period of limitation for filing a suit by the appellant was three years from the date of termination of the contract which was to be taken as accrual of the cause of action and of the right to relief for the appellant.

After 216 days of the accrual of the cause of action, in the suit filed by the respondent, a learned court on 22nd August, 2011 passed a status quo order which continued till 7th March, 2018. Now, the three years period of limitation after excluding the period during which the order of injunction was operative would expire on 5th August, 2020. Meanwhile, Covid intervened. 716 days from 15th March, 2020 to 28th February, 2022 was to be excluded in calculating the period of limitation in terms of the Supreme Court order dated 10th January, 2022. If Covid had not intervened, the appellant could have had time till 5th August, 2020 to file the suit i.e., 144 days from 15th March, 2020. By operation of the Supreme Court order which gave the plaintiff 144 days' time from 10th January, 2022 (the date when the Supreme Court order was vacated) to file the suit. The suit had to be instituted by 23rd July, 2022.

On 16th August, 2022, the appellant filed an application for mediation before the learned court below. Mediation failed on 20th January, 2023.



On 21st March, 2023, the appellant filed the present suit. Therefore, the total delay in filing the suit after excluding the period undergone for mediation was 84 days. In fact, the application for mediation was filed on 16th August, 2022 after expiry of the period of limitation on 23rd July, 2022. The period during which mediation was pending is only theoretically excluded.

We are of the view that the learned trial court has correctly assessed the period of limitation and very rightly come to the conclusion that the suit is barred by limitation. We affirm the judgment and decree dated 13th December, 2023 rejecting the plaint and dismissing the suit.

The appeal is dismissed.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice