



Serial No.02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.53/2024 with
MC (WA) No.43/2025

Date of Order : 29.04.2025

Ms. Sofia Nongsiej Appellant

Vs.

1. State of Meghalaya represented by District Social Welfare Officer, West Khasi Hills, Nongstoin, Government of Meghalaya, Shillong.

2. Ms. Kelba Mery Nongrum, DCPU, Mairang, C/o H. Mawtyllup, Madan Bynter village, P.O. Mairang, Eastern West Khasi Hills District-793120.

..... Respondents

Ms. Kelba Mery Nongrum

..... Applicant

Vs.

1. Ms. Sofia Nongsiej, D/o (L) Collinson Rangad R/o Langkyrding, Nongmensong, East Khasi Hills District, Meghalaya.

2. State of Meghalaya represented by District Social Welfare Officer, West Khasi Hills, Nongstoin, Government of Meghalaya.

..... Respondents

Coram:

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

Appearance in WA No.53/2024:

For the Appellant

: Ms. S. Nongsiej, Adv

For the Respondents

: Mr. J.N. Rynjah, GA with
Mrs. S. Laloo, GA
Ms. P. Chettri, Adv for R/2

Appearance in MC (WA) No.43/2025:

For the Applicant

: Ms. P. Chettri, Adv

For the Respondents

: Ms. S. Nongsiej, Adv
Mr. J.N. Rynjah, GA with
Mrs. S. Laloo, GA



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

JUDGEMENT: (per the Hon’ble, the Chief Justice) (Oral)

The private respondent has made an application in this appeal.

Although, the order under appeal is in her favour by dismissal at the threshold of the writ petitioner’s writ, as a matter of abundant caution the applicant wants to file an affidavit-in-opposition to the writ. This she seeks to introduce in the appeal through an application under order 41 rule 27 of the Civil Procedure Code (CPC).

Unless the circumstances are exceptional, a party to an appeal is not allowed to run a new case or introduce new documents. The specific grounds are mentioned in order 41 rule 27 of the CPC. Such limited grounds are that:

- 1) documents inspite of exercise of due diligence could not be identified or located or produced by a party in Court.
- 2) if the trial Court erroneously did not allow the production of the documents.
- 3) the appellate Court requires it.
4. any other substantial cause.



It is difficult to run the applicant's case on one of the grounds above.

However, we think that the ends of justice would be subserved if the documents sought to be disclosed by the applicant are also considered by the first Court while considering the writ. In those circumstances, we remit this matter back to the learned single judge after setting aside the impugned order with a direction permitting the applicant to file her affidavit-in-opposition by 7th May, 2025; affidavit-in-reply may be filed by 16th May, 2025.

List the writ on 20th May, 2025 before the learned single judge subject to his lordship convenience.

In view of the above, the appeal and the miscellaneous application are disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
29.04.2025
"Lam DR-PS"