



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No.20 of 2025

Date of Order: 26.11.2025

M/S Star Cement Meghalaya Ltd.
A company duly registered under the
Companies Act, 1956 having its
Registered office at Lumshnong,
East Jaintia Hills District,
Meghalaya-793200
represented by its Authorized Signatory
Shri Ashok Kumar Das, son of
Shri Rabindranath Das, a resident of Quarter No.450F,
Lumshnong, Khliehriat – 793210,
East Jaintia Hills District, Meghalaya

.....Petitioner.

Vs.

Shri Phon Syih.
Resident of Thangskai village,
P.O. Lunshnong,
East Jaintia Hills District,
Meghalaya – 793200.

.....Respondent.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Mr. S. Thapa, Adv.



For the Respondent(s) : Mr. L. Khyriem, Adv.

ORAL:-

Heard Mr. K. Paul, learned Senior Counsel assisted by Mr. S. Thapa, learned Counsel appearing for the petitioner and Mr. L. Khyriem, learned Counsel appearing for the respondent.

The challenge made in this revision petition is against the judgment and order dated 17-06-2025 passed in F.A.O. No. 1 of 2019 by the Court of the District and Session Judge, Khliehriat, East Jaintia Hills District, Meghalaya by which the order dated 18-02-2019 of the learned Assistant to Deputy Commissioner, Khliehriat passed in Misc. Case No. 3 of 2018 arising out of Title Suit No. 4 (T) of 2018 was vacated.

Mr. K. Paul, learned Senior Counsel for the petitioner submits that the Appellate Court while passing the impugned order resorted to improper exercise of jurisdiction by deciding the appeal on the grounds which were not raised before it. He submits that the Appellate Court also usurped jurisdiction not vested in it in deciding the appeal by travelling beyond the prayer made in the appeal. He further submits that the impugned order is not based on any materials on record and, hence, not tenable in the eye of law. He, therefore, prays that the impugned order may be set aside and the matter may be sent back to the Appellate Court for reconsideration.



Mr. L. Khyriem, learned Counsel appearing for the respondent in his usual fairness does not object to the prayer made on behalf of the petitioner. He, however, submits that the matter may be remanded back for reconsideration by keeping all the issues open for adjudication by the Appellate Court.

In view of the submissions made on behalf of the rival parties, without reference to the merits of the matter, the impugned judgment and order dated 17-06-2025 passed in F.A.O No.1 of 2019 is set aside. The matter is remitted back to the Court of the District Judge, Khliehriat for reconsideration of the appeal in accordance with law after providing opportunity to both the parties.

It is made clear that all the issues including the question of maintainability of the appeal, if any, are left open for consideration by the Appellate Court.

With the above, this revision petition stands disposed of.

Judge

Meghalaya
26.11.2025
"Biswarup PS"