



Serial No. 04
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Tr.P.(C) No. 1 of 2026

Date of Decision: 27.04.2026

1. Dorbar of Mawsmmai Nongthymmai Elaka
Represented by its Secretary, Mawsmmai
Nongthymmai Elaka, Mawsmmai Sirdarship,
East Khasi Hills District,
Meghalaya.
2. Shri. Kenes Singh Khongwar,
Son of (L) N. Kshiar,
Sirdar Mawsmmai Nongthymmai Elaka,
Mawsmmai Sirdarship, East Khasi Hills
District, Meghalaya.

..... **Petitioners**

- Vs-

Shri. Kiewshap War,
Son of Shri. K. Hynniewta,
Resident of Mawsmmai Village, Mawsmmai
Nongthymmai Elaka, Mawsmmai Sirdarship,
East Khasi Hills District,
Meghalaya.

..... **Respondent**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Nongbri, Adv. with
Ms. T. Sutnga, Adv.



For the Respondent(s) : Mr. S.P. Mahanta, Sr. Adv. with
Mr. M. Lyngdoh, Adv.

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

JUDGMENT AND ORDER (ORAL)

1. Heard Mr. P. Nongbri, learned counsel for the petitioners.
2. Also heard Mr. S.P. Mahanta, learned Sr. counsel assisted by Mr. M. Lyngdoh, learned counsel for the respondent.
3. Stating the facts of the case in brief, the learned counsel for the petitioners, has submitted that a Title Suit was instituted by the petitioners herein before the District Council Court, Shillong, and the matter was then taken up by the learned Presiding Officer, Subordinate District Council Court, Smti. S.B. Laithma, who is now serving as the Judge, District Council Court, Shillong.
4. Thereafter, the matter was taken up by Smti. L.W. Phira, the then Presiding Officer, Subordinate District Council Court, Shillong, who has passed an order dated 18.10.2023. However, the learned counsel submits that the respondent, being aggrieved by such order, had then preferred an appeal before the Court of the learned Additional Judge, Additional District Council Court, Shillong, Shri. E. Myrten. The said Additional Judge has since remitted office



on superannuation, and the said Presiding Officer, Smti. L.W. Phira has since been promoted as Additional Judge, Additional District Council Court, Shillong. Under such circumstances, the appeal could not be taken up by the incumbent, Additional Judge, Additional District Council Court.

5. The learned counsel has further submitted that the parties, in all earnest, has waited for a decision to be passed by the District Council Court, wherein, the matter could be taken up by another Presiding Officer, who has not taken up the proceedings of the case.

6. It is also the submission of the learned counsel that, it is reliably learnt that another new Additional Judge, Additional District Council Court is yet to be appointed. However, even, if the said Additional Judge is now appointed, the petitioners have some reservation in the matter, inasmuch as, the newly appointed Additional Judge is connected to the matter concerned. Given the situation, the learned counsel submits that it would be appropriate that the matter be transferred to the Court of the Judge, District Council Court, Jowai, West Jaintia Hills District for fair adjudication of the matter.

7. The learned Sr. counsel for the respondent submits that he has no objection to the submission made, and has also agreed that the matter may be transferred to the Court of the Judge, District Council Court, Jowai.

8. Without going into the merits of the case between the parties, on the



basis of what has been submitted, and the cause shown herein, this Court, is inclined to allow the prayer made.

9. Accordingly, the proceedings of T.S. No. 1 (T) 2014 along with Misc. Case No. 1 (T) 2015 as well as Misc. Civil Appeal No. 12 of 2023 are hereby transferred to the Court of the learned Judge, District Council Court, Jowai, who will pass necessary orders in accordance with law.

10. Let copy of this order be issued upon the Court of the learned Judge, District Council Court, Jowai for compliance.

11. Matter disposed of.

Judge