



Serial No.15
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 7 of 2026

Date of Order: 07.08.2026

Shri Daioohiphi Dong,
S/o Smti. Lutimon Dong,
R/o Lumshnong Village,
Elaka Narpuh, East Jaintia Hills,
District, Meghalaya.
Presently resides at Caroline
Colony, Jowai West Jaintia Hills,
District.

.....Petitioner

-VERSUS-

1. Shri. Shiva Dong @ Shwa Dong,
S/o Smti. Silet Dong,
R/o Lumshnong Village,
Elaka Narpuh, East Jaintia
Hills District, Meghalaya.
2. Shri. Thywilbedone Dong,
S/o Smti. Airin Dong,
R/o Lumshnong Village,
Elaka Narpuh, East Jaintia
Hills District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:



For the Petitioner/Appellant(s) : Mr. J. Shylla, Adv.

For the Respondent(s) : M.S. A.D. Syiem, Adv.
Mr. G. Syngkrem, Adv.

Judgment and Order (Oral)

1. Heard Mr. J. Shylla, learned counsel appearing for the petitioner and Ms. A.D. Syiem, learned counsel appearing for the respondents.

2. This revision petition has been preferred against the order dated 18.03.2026 passed in M.C.A. No. 1 of 2026 by which the learned Judge, District Council Court, in exercise of appellate jurisdiction, stayed the ad-interim injunction order dated 13.02.2026 passed by the Presiding Officer, Subordinate District Council Court, Jowai in Misc. Case No. 10 of 2026 arising out of Title Suit No. 2 of 2026 of.

3. The brief fact necessary for adjudication of this matter is that the petitioner, as plaintiff, instituted Title Suit No. 2 of 2026 before the Presiding Officer, Subordinate District Council Court, Jowai against the respondents herein seeking declaration of right, title and for grant of permanent injunction in respect of the suit land. The title suit was accompanied by an application for grant of temporary injunction registered as Misc. Case No. 10 of 2026. The learned Trial Court by order dated 13.02.2026 granted ad-interim injunction restraining the respondents from interfering with the suit land. Thereafter, the order dated 13.02.2026 was put under challenge by the respondents by filing an appeal registered as M.C.A. No. 1 of 2026 before the learned Judge, District Council Court, Jowai. The learned Judge, by the impugned order dated 18.03.2026 while admitting the appeal, stayed the operation of the ad-interim injunction order dated 13.02.2026 passed in Misc.



Case No. 10 of 2026. Being aggrieved by the passing of the order dated 18.03.2026, the petitioner has preferred the instant revision petition before this Court.

4. Mr. J. Shylla, learned counsel appearing for the petitioner, has assailed the impugned order mainly on the ground that no reason was cited by the learned Judge while staying the operation of the order dated 13.02.2026 of the Trial Court. He submits that an Appellate Court, before passing an interim stay order in injunction matter, must satisfy itself to the existence of a *prima facie* case, and such satisfaction must be reflected in the order. He submits that the impugned order in the present matter does not show reflection of any such satisfaction of the Judge. He further submits that the impugned order also does not project application of mind by the learned Appellate Court. He, therefore, submits that the impugned order cannot be sustained in law and is liable to be interfered by this Court.

5. Ms. A.D. Syiem, learned counsel appearing for the respondents, on the other hand, supports the impugned order and submits that the order being an interim order, there was no necessity to record elaborate reasons for granting the stay. She further submits that it is clear from the impugned order that the record of the matter was perused by the Appellate Court before granting stay of the order of the Trial Court. She, therefore, submits that no interference with the impugned order is called for at this stage as the appeal is yet to be heard by the learned Judge and the petitioner is at liberty to raise all his grievances before the Appellate Court.

6. Upon hearing the learned counsel appearing for the parties and on perusal of the impugned order dated 18.03.2026, it appears that the learned Judge, while admitting the appeal has passed the interim order of stay of the order dated 13.02.2026 of the Trial Court without recording any *prima facie* observation as to any illegality and infirmity in the said order. There is also



no reflection in the impugned order that the Appellate Court had gone through the materials on record in order to determine the necessity of passing of the stay order. In fact, there is nothing on record to show that the learned Appellate Court applied its mind before granting stay of the order dated 13.02.2026 of the Trial Court. It is generally not lawful or procedurally proper for an appellate court to grant an interim stay order in a mechanical manner without recording reason or showing an application of judicial mind. Assigning reason is an essential element for any judicial order, including interim stay order.

7. Since it is clear that the impugned order is bereft of reasoning, the same cannot be sustained. Accordingly, the order dated 18.03.2026 is hereby set aside insofar as it relates to stay of order dated 13.02.2026 of the Trial Court.

8. At this stage, Ms. A.D. Syiem, learned counsel for the respondents submits that there is an urgency involved in the matter. The learned Appellate Court, therefore, is requested to take up M.C.A. No. 1 of 2026 for final disposal within 2 (two) weeks.

9. With the above, this revision petition stands disposed of.

Judge

Meghalaya
07.08.2026
Abhinandan, P.S