



Serial No.14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 8 of 2026

Date of Order: 10.08.2026

Smti. Timel Lawriniang,
W/o (L) Blenton Kurbah
R/o Nongmensong, East Khasi Hills District,
Shillong, Meghalaya.

.....Petitioner

-VERSUS-

Shri. Silan Lawriniang,
S/o (L) Her Kharsyntiew
R/o Lum Shyiap, Nongmensong, East Khasi
Hills District, Shillong, Meghalaya.

.....Respondent

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. R. Lyngdoh, Adv.
Ms. C.L. Mawphlang, Adv.

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

Judgment and Order (Oral)

1. Heard Mr. R. Lyngdoh, learned counsel appearing for the petitioner and



Mr. B. Khyriem, learned counsel appearing for the respondent.

2. By this revision petition, the petitioner has assailed the order dated 12.09.2025 passed by the learned Judge, District Council Court, Shillong dismissing the Misc. Civil Appeal No. 7 of 2024 preferred by the petitioner.

3. The brief facts of the case are that the respondent, as plaintiff, instituted Title Suit No. 26 of 2015 against the petitioner before the Presiding Officer, Subordinate District Council Court, Shillong for declaration of right, title, interest and permanent injunction over the suit property. The title suit was accompanied by an application for grant of an ad-interim injunction registered as Misc. Case No. 19 of 2015. The learned Trial Court granted the ad-interim injunction vide order dated 23.12.2015. The petitioner entered appearance before the Trial Court and filed her written statement on 13.11.2017. However, no show-cause was filed by the petitioner against the prayer of injunction in the Misc. Case No. 19 of 2015. Subsequently, by order dated 15.02.2019 of the learned Trial Court, the interim order dated 23.12.2015 was made absolute. Thereafter, it appears from the record that the petitioner sought vacation of the order dated 15.02.2019 by filing a show-cause/application dated 14.05.2019. The respondent filed objection to the said show-cause/application. The learned Trial Court by order dated 19.04.2022, rejected the prayer of the petitioner to vacate the interim order. Afterwards, the respondent filed an application registered as Misc. Case No. 106 of 2023 alleging violation of the injunction order by the petitioner. The learned Trial Court by order dated 12.04.2024 directed the Officer-in-Charge, Lumdiengiri P.S. to ensure implementation of the injunction order and to file a compliance report. Against the order dated 12.04.2024 the petitioner preferred an appeal registered as Misc. Civil Appeal No. 7 of 2024 before the Judge, District Council Court, Shillong. The said appeal was dismissed by order dated 12.09.2025. Being aggrieved, the petitioner has preferred this revision



petition.

4. Mr. R. Lyngdoh, learned counsel appearing for the petitioner submits that the order dated 12.09.2025 of the learned Trial Court, though was meant for implementation of injunction order, has resulted in attachment of the property inasmuch as the petitioner was dispossessed of the suit premises illegally on the basis of the order without following due process of law. He submits that the passing of the order has caused serious prejudice to the petitioner. He further submits that even if there is a breach of injunction order resulting in attachment of property, such order can remain in force for a period of only 1 year and in that view of the matter, the petitioner is entitled to get back the possession of the suit property. He submits that to add to the agony of the petitioner, the learned Trial Court by a subsequent order dated 07.06.2024 has handed over the suit premises to the respondent in utter disregard of the process of law. The learned counsel further contends that the Appellate Court has also miserably failed to appreciate the facts of the case and the relevant provisions of law in its proper perspective and has wrongly rejected the appeal filed by the petitioner. He submits that the action of the Trial Court and the impugned order dated 12.09.2025 of the Appellate Court affirming such action is not tenable in the eye of law and liable to be interfered by this Court.

5. Mr. B. Khyriem, learned counsel for the respondent, on the other hand, vehemently opposed the submission advanced on behalf of the petitioner and submitted that the injunction order dated 23.12.2015 has been in operation for more than last 10 years and the petitioner at this stage cannot ignore or disregard the same. He submits that the injunction order was made absolute by the Trial Court on 15.02.2019 and again confirmed by order dated 19.04.2022 when the prayer of the petitioner to vacate the interim order was rejected by the Trial Court. He submits that none of the above orders were



ever challenged by the petitioner before any higher forum and, as such, the petitioner now cannot raise any legitimate grievance against the implementation of the injunction order. He submits that the respondent was compelled to file Misc. Case No. 106 of 2023 before the Trial Court because of the violation of the injunction order by the petitioner and thereafter, in terms of the order dated 12.04.2024, with police assistance, the injunction order was implemented. By referring to the injunction order of Trial Court dated 23.12.2015, the learned counsel contends that the detailed description of the properties in relation to which the injunction order was passed, had been specifically mentioned therein. He submits that since there remains no doubt about the passing of the interim order and continuous possession of the suit property by the respondent, the instant revision petition has no merit and is liable to be dismissed.

6. Upon hearing the learned counsels appearing for the parties and perusal of the materials on record, it appears that the learned Trial Court vide order dated 23.12.2015 granted ad-interim injunction in favor of the respondent and since then the said order is in operation without any interruption. The case record reveals that the petitioner was never serious in challenging the interim injunction order as she did not file any objection against the prayer of the respondent for grant of injunction despite filing a written statement in the suit on 13.11.2017. The first challenge by the petitioner against the grant of injunction came to be lodged by way of a show-cause/application on 14.05.2019, which, however stood rejected by order dated 19.04.2022 of the Trial Court. Even after the rejection, no appeal was filed by the petitioner against the order dated 19.04.2022. It was only after passing of the order dated 12.04.2024 in Misc. Case No. 106 of 2023, wherein the learned Trial Court issued direction to the police to ensure implementation of the injunction order, the petitioner filed Misc. Civil Appeal No. 7 of 2024. The contention of the



petitioner that she was dispossessed of the suit property because of the order dated 12.04.2024 does not appear to be correct in view of the operation of the injunction order for a long period. The other contention of the petitioner that the passing of the impugned order dated 12.04.2024 amounted to attachment of the property and should stand released by operation of Order 39 rule 2A(2), CPC after expiry of 1 year period also does not appear to be correct as the order dated 12.04.2024 of the Trial Court did not make any specific direction for attachment of the suit property by the police. The relevant part of the order only speaks of issuance of a direction to the police to ensure implementation of the injunction order and submit a compliance report thereof. Such an order cannot be termed as an order of attachment under Order 39 rule 2A by any stretch of imagination. Hence, the question of application of Order 39 rule 2A(2) does not arise. Moreover, the action of the petitioner, as can be derived from the facts and events narrated in this revision petition, establishes that she never tried to assert her possession over the suit property after the passing of the injunction order dated 23.12.2015 of the Trial Court.

7. Insofar as the order dated 07.06.2024 of Trial Court is concerned, it appears that the petitioner has not challenged the same before any higher forum. There is also no challenge to the said order in this revision petition.

8. Furthermore, perusal of the impugned order dated 12.09.2025 of the learned Appellate Court does not point out any jurisdictional error. There is nothing on record to show that the impugned order was passed by taking into consideration any material which was not a part of the record or by ignoring any material available in the record. There is also no instance of any perversity in the observation or finding recorded by the Appellate Court.

9. In view of the discussion made above, the petitioner has failed to make out a case for interference with the impugned order dated 12.09.2025. Hence, this revision petition is devoid of merit and stands dismissed.



10. It is made clear that this Court has not gone into the merits of the claim and counterclaim of the respective parties. The learned Trial Court, while dealing with the matter, shall not get influenced by the observations made hereinabove by this Court.

Judge

Meghalaya
10.08.2026
Abhinandan, P.S