



Serial No. 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(FA) No. 2 of 2026

Date of Decision: 27.08.2026

Smti. Kyntiew Akor Suchiang
D/o (L) M. Chandranath Roy Marbanianang
R/o Ladthalaboh (Dongmihsngi), Jowai,
West Jaintia Hills, Meghalaya.

..... Applicant

-Versus-

Shri. Woston Hynniewta
S/o Shri. Shemphang Wanshong
R/o Mawlai Umjaiur,
East Khasi Hills District, Meghalaya.

..... Respondent

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. G. Syngkrem, Adv.
Ms. A.D. Syiem, Adv.

For the Respondent(s) : Mr. P.V. Kharmawshun, Adv.
Ms. S. Nongbri, Adv.

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| 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. G. Syngkrem, learned counsel for the applicant, who has submitted that the applicant and the respondent who were legally wedded,



their marriage being solemnized by Pastor K.B. Kharbteng at the Seventh Day Adventist Church, Ladthalaboh, Jowai, West Jaintia Hills District on 16.03.2006 and thereafter, the couple stayed together at Ladthalaboh before shifting to their respective place of work. Out of the wedlock, two children were born to them.

2. In course of time, differences arose between the parties herein, which finally resulted in the respondent instituting a Divorce Suit before the Court of the Judge, District Council Court, Shillong, registered as Divorce Suit No. 45 of 2013. The applicant has contested the case by filing her show cause, vehemently resisting the prayer of the respondent/husband seeking divorce and dissolution of their marriage, submits the learned counsel.

3. It is further submitted that the applicant as respondent had diligently pursued the proceedings in the divorce case and has also, through her legal counsel, cross-examined two witnesses of the respondent. However, when the matter was fixed on 12.08.2014 for cross examination of PW-3, the learned counsel for the applicant was found to be absent, whereupon, the court passed an order that the case shall proceed ex-parte against the applicant.

4. An Application No. 698/2014 dated 11.09.2014 was filed by the applicant to vacate the order dated 12.08.2014 by which order the matter had proceeded ex-parte against the applicant and the application was fixed for



filing of show cause and hearing on 19.09.2014. Even on that day, for reasons best known to the learned counsel for the applicant, he was found absent when the matter was called up in court. Accordingly, the court rejected the said Application No. 698/2014 and then posted the matter for judgment on 26.09.2014.

5. It is the submission of the learned counsel that the applicant on coming to know of this situation, had obtained certified copy of the entire order sheet of the proceedings before the court and came to know that the learned counsel appointed by her, had not applied due diligence nor has taken interest in the matter.

6. Again, the learned counsel has submitted that on a new counsel being engaged, an application was filed before the court to set aside the ex-parte Judgement and Decree dated 26.09.2014 as well as the order dated 12.08.2014, but the same was rejected vide order dated 31.07.2015. This became the subject matter of an appeal before this Court which resulted in the said order dated 31.07.2015 as well as the order dated 26.09.2014 and order dated 12.08.2014 (supra) being set aside and quashed, and the matter was remanded to the District Council Court, Shillong for fresh hearing.

7. The Divorce Suit No. 45 of 2013 was again taken up for consideration and the learned District Council Court vide judgment and order



dated 25.07.2025 passed the order and decree by which the marriage between the applicant and the respondent was dissolved under Section 10(1)(x) of the Indian Divorce Act, 1869.

8. Being aggrieved and dissatisfied with the said impugned judgment and decree dated 25.07.2025, the applicant has preferred an appeal before this Court. However, since the applicant has engaged a new counsel only in the month of February 2026 and there was considerable time taken for the applicant to collect the case record from her previous counsel, needing sometime to go through the case record and finally, after handing over the same to her new counsel, whereupon, the related appeal was filed before this Court, a delay of 210 days in filing the appeal has occurred. Hence, this petition for condonation of such delay is filed.

9. The learned counsel has urged before this Court that the delay was not intentional, but for the reasons stated, and that generally, courts would take a liberal view in the matter if negligence or delay cannot be attributed to the applicant/appellant. The case of **Mool Chandra v. Union of India**, reported in **Air 2024 SC 4046**, para 22 has been referred to by the learned counsel for the applicant to support his contention.

10. It is prayed that the delay of 210 days in filing the related appeal be condoned and the appeal be heard on merits.



11. Per contra, Mr. P.V. Kharmawshun, learned counsel for the respondent, had strongly objected to the prayer made in this petition, and has submitted that the only issue required to be decided in this application is whether the applicant has made out a ground for condonation of the said delay in filing the appeal since sufficient cause has not been shown, the delay being wilful and gross. The case of **Chief Engineer Irrigation Department and Ors., v. Biswajit Choudhury and Anr., 2018 (4) GLT 642**, para 10, 11 and 12 and also the case of **Basawaraj and Anr., v. Special Land Acquisition Officer, (2013) 14 SCC 81**, para 15 has been referred to by the learned counsel in support of his contention.

12. This Court having heard the parties is made to understand that what is required to be decided here is whether the applicant has been able to provide sufficient cause to enable the delay in filing the appeal to be condoned.

13. It is true that more often than not, for substantial justice to be meted out, courts would be liberal and generous enough to condone the delay in filing related appeals etc. However, the conduct of the applicant has to be looked into, to find out whether a serious attempt has been made to contest the case within reasonable and permissible time period. Such conduct can be appreciated by looking into the cause shown of why the delay has indeed



occurred, such delay being beyond the control of the applicant, who in all earnestness, wishes to pursue the matter diligently. In such a situation, the courts would come to the applicant's rescue.

14. In the case in hand, the only cause shown by the applicant is that the delay has occurred because of the fact that a new counsel was engaged in the month of February 2026 and secondly, because of the time taken for the applicant to get back the case records from the previous counsel, and thirdly, because the brief has to be gone into before necessary steps for filing the appeal is to be taken.

15. Due consideration being given to the authorities cited by the parties herein, it may not be out of place to bring into focus what the authority on the rules of limitation would reveal. The case of **N. Balakrishnan v. M. Krishnamurthy**, reported in (1998) 7 SCC 123, is one of such authority, wherein at para 11, 12 and 13, the Supreme Court has observed as follows:

“11. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. The object of providing a legal remedy is to repair the damage caused by reason of legal injury. The law of limitation fixes a lifespan for such legal remedy for the redress of the legal injury so suffered. Time is precious and wasted time would never revisit. During the efflux of time, newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a lifespan must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. The law of limitation is thus founded on public policy. It is enshrined in the



maxim interest *reipublicae up sit finis litium* (it is for the general welfare that a period be put to litigation). Rules of limitation are not meant to destroy the rights of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.

12. A court knows that refusal to condone delay would result in foreclosing a suitor from putting forth his cause. There is no presumption that delay in approaching the court is always deliberate. This Court has held that the words "sufficient cause" under Section 5 of the Limitation Act should receive a liberal construction so as to advance substantial justice vide ***Shakuntala Devi Jain v. Kuntal Kumari, (AIR 1969 SC 575)*** and ***State of W.B. v. Administrator, Howrah Municipality, (1972) 1 SCC 366.***

13. It must be remembered that in every case of delay, there can be some lapse on the part of the litigant concerned. That alone is not enough to turn down his plea and to shut the door against him. If the explanation does not smack of mala fides or it is not put forth as part of a dilatory strategy, the court must show utmost consideration to the suitor. But when there is reasonable ground to think that the delay was occasioned by the party deliberately to gain time, then the court should lean against acceptance of the explanation. While condoning the delay, the court should not forget the opposite party altogether. It must be borne in mind that he is a loser and he too would have incurred quite large litigation expenses. It would be a salutary guideline that when courts condone the delay due to laches on the part of the applicant, the court shall compensate the opposite party for his loss."

16. Applying the said authority in the context of the case set up by the applicant, this Court is of the view that the cause shown is sufficient to allow the Court to condone the delay set forth.

17. Accordingly, this application is allowed, the delay of 210 days in filing the appeal is hereby condoned.



18. Before parting, since because of the delay, some amount of suffering have been caused to the respondent, as such, the condonation of delay would be contingent to the payment of cost to the respondent by the applicant, quantified at ₹ 2,000/- (Rupees two thousand) only, which should be paid within the date the related appeal is put up for admission, accompanied by a receipt thereto.

19. Registry is directed to diarize the appeal and list it for admission after 2(two) weeks.

20. Misc. Case disposed of.

Judge