



JUDGMENT AND ORDER (ORAL)

1. This writ petition has been filed seeking directions to allow the petitioner some time to put in an application for setting aside the ex parte decree and also for stay of the Execution proceedings, which has been fixed today by the Trial Court.

2. Mr. P. Yobin, learned counsel for the petitioner has submitted that the petitioner has been compelled to come before this Court seeking exercise of extra ordinary discretionary powers under Article-226 of the Constitution in view of the fact that the petitioner is to suffer the consequences of litigation, for which he is not to blame. It is further submitted that the petitioner who was the defendant in the Eviction Suit No. 4 of 2023, on being served with the notice had entered appearance and had availed of a Legal Aid counsel for representation, but however for reasons unknown the matter went unrepresented, and an order to proceed ex parte against the petitioner, was passed on 24.07.2024. Thereafter, he submits, the petitioner was then provided with a new Legal Aid counsel who assured the petitioner that an appropriate application for setting aside the ex parte order for hearing would be preferred, which however was not done resulting in the ex parte judgment and decree



dated 05.03.2026. The petitioner being desperate he submits, then contacted a new Legal Aid counsel who filed an application which is annexed at page-55 to the writ petition, for setting aside the ex parte decree, together with an application for condonation of delay under Section-5 of the Limitation Act, 1963. This he submits, was dismissed, as per his information. He therefore, submits that having no other recourse the petitioner is before this Court with a mercy prayer that he be given 3(three) days' time to put in an appropriate application to enable the Trial Court to reconsider the matter on the prayer for stay of the Execution, and also for setting aside the ex parte decree together with application for condonation of delay.

3. On hearing the learned counsel for the petitioner and on examination of the materials as available, this Court notes that from the judgment and decree itself, there has been a grave negligence both on the part of the Legal Aid counsels and also the petitioner, who though availed of legal aid should have been more vigilant and attentive to his case. From what that has been narrated, it appears that there also has been lapses on the part of the Legal Aid counsel who should have assisted the petitioner in a correct manner.

4. This Court in consideration of the facts as they pertain and though not inclined to entertain the prayer in the form of the



writ petition, however considering the condition of the petitioner who appears to be helpless, though no notice has been issued to the respondent, for the ends of justice directs that the Execution proceedings be kept in abeyance for 3(three) days to allow the petitioner to put in an application by tomorrow, for consideration by the Trial Court who shall pass orders thereon.

5. It is made clear that this Court has not gone into the merits of the case and that any observation made herein, shall not influence the Trial Court in any manner, in deciding the application of the writ petitioner.

6. The matter stands closed and is accordingly disposed of.

JUDGE

Meghalaya
08.06.2026
"V. Lyndem-AR-PS"