Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC(FA) No. 12 of 2025 in
FA. No. 8 of 2025

Date of Decision: 11.09.2025

Project Director, National High Way
Authority of India

…….. **Petitioner**

- Vs-

1. State of Meghalaya
represented by Commissioner and
Secretary, Revenue Department to the
Government of Meghalaya,
Shillong – 793001.

2. The Collector, Ri-Bhoi District,
Nongpoh, Meghalaya – 793102.

3. Shri. Rohit Deorah,
Director of M/s Sree Radha Creation Pvt.
Ltd a company incorporated under the
Company Act, 1956 and having the registered
office at G.S. Road, Khanapara, Them Marwet,
Raid Marwet, Mylliem Syiemship,
Ri-Bhoi District.

…….. **Respondents**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Bhattacharjee, Adv.
Mr. F. Bareh, Adv.

For the Respondent(s) : Mr. S. Sen, GA.

Ms. R. Colney, GA.
Ms. I. Lyngwa, GA. for R 1 & 2.
Mr. P. Nongbri, Adv.
Ms. T. Sutnga, Adv. for R 3.

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 Ms. P. Bhattacharjee, learned counsel for the petitioner, who has submitted that on the related appeal being admitted, a stay of the execution of the decree passed in the common judgment and order dated 11.03.2020 by the learned Special Judicial Officer, Ri-Bhoi District, Nongpoh in (Ref) LA. Case No. 108/2015 and (Ref) LA. Case No. 109/2015, is hereby prayed for on the various grounds as detailed in this application at para 3 under the heading "Grounds on which the decision and conclusion of the Special Judicial Officer are challenged".

2. However, Mr. P. Nongbri, learned counsel for the respondent No. 3, at this point of time, has interjected, to say that there is no scope for stay of the execution proceedings in view of the provisions of Order 41 Rule 5 of the Code of Civil Procedure, where an alternative remedy is available to the judgment debtor to seek stay of the execution of the decree with relevant and appropriate prayer made before the Execution Court

which was not done so by the petitioner herein.

3. On consideration of the submission made, this Court is also inclined to agree with the submission of the learned counsel for the respondent No. 3, and therefore, the prayer made in this application is not allowed at this point of time. The petitioner may seek appropriate recourse before the competent court, if so desired.

4. Misc. Case disposed of.

Judge

Signature Not Verified
Digitally signed by
DARIKORDOR NARY
Date: 2025.09.11 18:00:56 IST