



Serial No.02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No.33/2024 with
MC (CRP) No.24/2024

Date of Order: 12.11.2025

Shri Abdul Latif

..... Petitioner

Vs.

1. Shri Soyod Zamal

2. Shri Samidur Islam

3. Shri Indadul Islam

4. Shri Aynul Sk

5. Shri Ariful Islam

6. Shri Anarul Islam

..... Respondents

Coram:

Hon'ble Mr. Soumen Sen, Chief Justice

Appearance:

For the Petitioner : Mr. S.K. Hassan, Adv with
Ms. M. Rahman, Adv

For the Respondents : Mr. A. Nandi, Adv with
Mr. D. Nandi, Adv

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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**JUDGMENT: (Oral)**

Learned counsel for the petitioner at the outset has admitted that there is a wrong description of the properties mentioned in the schedule annexed to the plaint. An application for amendment has been filed before the learned trial court. It is further submitted that the said application has been heard and a decision is pending.

2. The first appellate court in deciding the matter has taken into consideration the schedule of the property, which according to the plaintiff, has been wrongly described for which now an application is filed for amendment. So long as the rectification is not carried out, setting aside the order passed by the learned Additional Deputy Commissioner, Phulbari Circuit Court does not arise, as admittedly, on the given set of facts as it existed on the date when the appeal was heard, the plaintiff was unable to establish his legal ownership over the suit property on the basis of the original description of the properties in the plaint. In the event, the application for amendment is allowed, it will be open for the plaintiff to seek self-same remedy and in such circumstances, the trial court shall take an independent decision after giving a reasonable opportunity of hearing to the parties.



4. In view of the above, the petition along with the misc. case [MC (CRP) No.24 of 2024] are disposed of.

(Soumen Sen)
Chief Justice

