

GAHC020006812024

2025:GAU-NL:265



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : C. REVN/18/2024

SHRI SOBOUNHIE RAME
S/O LATE VISO,
AGED BAOUT 60 YEARS,
R/O P. KHEL, KOHIMA VILLAGE, NEAR DON BOSCO SCHOOL,
KOHIMA, NAGALAND,
PH.NO.-9436005192

VERSUS

SMTI. NEIKECHUNUO
W/O SHRI VIMESE,
R/O D. KHEL,
KOHIMA VILLAGE, KOHIMA, NAGALAND

Advocate for the Petitioner : R. IRALU, SR. ADV, MENOSIENO,ASENLA
LONGKUMER,MHABENI,L. IRALU

Advocate for the Respondent : T. KHEZHIE, N KERETSU,THEJA VITSU,ROVIMENO
THOU,ALEZO KIRE

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s)	: Mr. R. Iralu, Sr. Advocate
	: Mr. L. Iralu, Advocate
For the Respondent(s)	: Mr. T. Khezhie, Advocate

Date of Hearing : 11.04.2025

Date of Judgment : 13.06.2025

JUDGMENT & ORDER (CAV)

Heard Mr. R. Iralu, the learned senior counsel assisted by Mr. L. Iralu, the learned counsel appearing on behalf of the petitioner and Mr. T. Khezhie, the learned counsel appearing on behalf of the respondent.

2. The supervisory jurisdiction of this Court under Article 227 of the Constitution read with Rule 32 of the Rules for the Administration of Justice and Police in Nagaland, 1937 (for short 'the Rules of 1937') has been invoked for setting aside the decision/direction dated 01.10.2024 passed by the Gaonburah, Kohima Village whereby certain directions were issued to the petitioner to remove the houses constructed on or before 30.10.2024 and failing to do so, the petitioner would have to pay Rs.4,00,000/- and that the land and house would belong to them.

3. To understand the dispute, it is relevant to take note of the facts which led to the filing of the instant proceedings.

THE DISPUTE:

4. On 16.08.2004, the Kohima Village Council, Court passed an order on a complaint being filed by the respondent herein to the effect that the land in question would be given to the respondent and the respondent would forgive Mr. Khokhrie and party for uprooting the construction made by the respondent. Being aggrieved, the respondent Sri Khokhrie preferred an appeal before the Court of the

Assistant to the Deputy Commissioner, Kohima under Rules of 1937. The appeal was registered as Civil Appeal No.03/2004. Vide an order dated 10.09.2004, the Court of the Assistant to the Deputy Commissioner, Kohima, while admitting the appeal stayed the order dated 16.08.2004 passed by the Kohima Village Council until further orders. Subsequent thereto, vide an order dated 28.10.2005, the Court of the Assistant to the Deputy Commissioner, Kohima passed an order that there would be a de novo trial in the interest of both the parties and the parties were directed to submit issues in the next hearing which was fixed on 24.11.2005.

5. Though records were called for but the said records are not available before this Court. However, from a perusal of Annexure-5 to the instant application, the learned counsel who appeared on behalf of the respondent in the said proceedings on 22.03.2007 submitted before the Court of the Assistant to the Deputy Commissioner, Kohima that the respondent would file a plaint and accordingly, the case was fixed on 12.04.2007 for filing of the plaint. The record which is available before this Court pertains to a plaint filed by the respondent before the Court of the Assistant to the Deputy Commissioner, Kohima, Nagaland on 07.07.2008. The relief sought for in the said proceedings was declaration of the right, title and interest over the suit land in favour of the plaintiff i.e. the respondent herein; for recovery of khas possession in favour of the plaintiff if the plaintiff was found not to be in possession and for permanent injunction.

6. This Court had perused the plaint. At paragraph No.6 of the

plaint, it was averred that after the civil appeal was filed, the learned counsel who appeared on behalf of the defendant/petitioner herein prayed to the said Court that the matter be sent for de novo due to lack of sufficient evidence and accordingly, the learned Court passed necessary order to that effect without hearing the appeal and as such, the suit was filed. In the said suit, the defendants including the petitioner herein filed written statement. The record further shows that there are two orders passed in the said proceedings. First is an order dated 18.03.2011 whereby summons were issued to both the parties fixing 06.05.2011 and the second order is dated 06.05.2011 whereby the suit was dismissed for default on the ground that none of the parties have appeared despite summons having been issued. Be it as it may, it is very pertinent to observe that the learned Court below while passing the order dated 06.05.2011 did not consider as to whether the summons were at all served upon the parties.

7. At this stage, this Court further finds it relevant to take note of that from the records of Title Suit No.1/2008 that the suit was transferred from the Court of the Assistant to the Deputy Commissioner to the Court of the learned Civil Judge (Senior Division) Kohima, Nagaland which appears to be the reason why the learned Court of the Civil Judge (Junior Division) issued summons to both the parties vide an order dated 18.11.2011. It further appears that pursuant thereto, after a lapse of around 13 years, the impugned order was passed on 01.10.2024 based upon the order dated 16.08.2004 passed by the Kohima Village GB Court.

SUBMISSION ON BEHALF OF THE PARTIES:

8. Mr. R. Iralu, the learned Senior counsel appearing on behalf of the petitioner submitted that though the petitioner filed an appeal against the order dated 16.08.2004 passed by the Kohima Village Council, Court which was registered as Civil Appeal No.3/2004 but the said Court vide an order dated 28.10.2005 had decided that there would be a de novo trial. He submitted that pursuant to the said order, the respondent as plaintiff filed a suit which was registered and numbered as Title Suit No.1/2008 and the same was dismissed for default. The Kohima Village GB Union could not have acted upon the order dated 16.08.2004 passed by the Kohima Village Council inasmuch as the directions to proceed de novo by the learned Court of the Assistant to the Deputy Commissioner had resulted in the order dated 16.08.2004 being non-existent. He further submitted that the dismissal of the suit filed by the respondent had completely eroded the order dated 16.08.2004 for which the Kohima Village Council could not have relied upon the order dated 16.08.2004 to pass the impugned order. In support of his submissions, the learned Senior counsel drew the attention of this Court to the judgment of the learned Division Bench of this Court in the case of ***Medenkaba and Others Vs. R. Tekatemjen AO and Another reported in 1987 (1) GLR 156*** where the Division Bench of this Court while deciding the scope and ambit of Rule 31 of the Rules of 1937 observed that de novo hearing is decided when the earlier hearing is taken to be of no consequence or legal effect and a de novo hearing has therefore to be held as a fresh hearing from the beginning. In that regard, he referred to paragraph

No.8 of the said judgment.

9. Per contra, Mr. T. Khezhie, the learned counsel appearing on behalf of the respondent submitted that the order dated 16.08.2004 was passed in favour of the respondent. The order had not been set aside by the Appellate forum in the appeal being Civil Appeal No.3/2004. He therefore submitted that till the said order remains, the parties were bound by the said order. In that regard, he has referred to a recent judgment of this Court in the case of ***Rokozel Yoho Vs. Neitho-O Sorhie*** reported in (2022) 3 GLR 816 more particularly paragraph No.12 wherein this Court had observed that a decision of an authority can only be set aside after firmly coming to a conclusion that the said order is erroneous and requires interference.

10. The learned counsel further referred to the judgment of the Supreme Court in the case of ***State of U.P. through the Secretary and Others Vs. Prem Chopra*** reported in (2022) 2 SCR 990 to buttress his point that imposition of a stay on the operation of an order means that the order which has been stayed would not be operative from the date of passing of the stay order but it does not mean that the stay order is wiped out from its existence unless it is quashed. The learned counsel for the respondent on the basis of the judgment in the case of ***Prem Chopra (supra)***, therefore, submitted that merely because of the fact that the learned Court of the Assistant to the Deputy Commissioner thought it prudent to go for a de novo trial that would not mean that the order dated 16.08.2004 had been wiped out. He submitted that the order of 16.08.2004 shall continue to remain in operation till it is

set aside in accordance with law.

11. The learned counsel for the respondent further submitted that on a mistaken advise, the respondent herein had filed a suit being Title Suit No.1/2008 that too when there was an order in favour of the respondent, being the order dated 16.08.2004. He, therefore, submitted that if the petitioner was aggrieved by the order dated 16.08.2004 and had filed an appeal, it was incumbent upon the petitioner to bring the appeal to a logical conclusion whereby the order dated 16.08.2004 is interfered with. The learned counsel further submitted that the manner in which the order dated 06.05.2011 was passed by the learned Court of the Civil Judge, (Junior Division), Kohima can at best be said to be an order passed in terms with Order IX Rule 3 of the Code and the same would act as a bar in bringing on a new suit.

POINTS FOR CONSIDERATION:

- (i) What is the effect of the order dated 16.08.2004 passed by the Kohima Village Council, Court when the Assistant to the Deputy Commissioner, Kohima vide the order dated 28.10.2005 decided to go for a de novo trial?
- (ii) Whether the dismissal of the suit being Title Suit No.1/2008 had nullified the order dated 16.08.2004 passed by the Kohima Village Council?
- (iii) Whether the impugned order dated 01.10.2024 is required to be interfered with?

(iv) What relief or reliefs the parties herein are entitled to?

FIRST POINT FOR CONSIDERATION:

12. From the records, it is seen that the Kohima Village Council, Court had passed an order in favour of the respondent. An appeal against it was filed being Civil Appeal No.3/2004. Vide an order dated 10.09.2004, the order of the Kohima Village Council, Court dated the 16.08.2004 was stayed until further orders by the Court of the Assistant to the Deputy Commissioner. Thereupon, vide an order dated 28.10.2005, the Court of the Assistant to the Deputy Commissioner observed that there should be a de novo trial in the interest of both the parties.

13. Now let this Court take note of Rule 31 of the Rules of 1937 which stipulates that an appeal shall lie to the Deputy Commissioner or his Assistant from the decision of the mauzadar, gaonbura, chief, headman of Khels, dobashis or any other duly recognized village authority. A further perusal of Rule 31 of the Rules of 1937 would show that when an appeal is filed, a record shall be made of the matter in dispute and the decision of the village authorities. The Appellate Court is empowered in terms with the said Rule 31 of the Rules of 1937 to examine the parties and if the decision appears to be just, the Appellate Court shall affirm and enforce it as its own. The power to try de novo is only when the Court sees reason to doubt the justice of the decision. In the case of ***Medenkaba (supra)***, the learned Division Bench of this Court had the occasion to deal with Rule 31 of the Rules of 1937 and what is the effect of a de novo trial. Paragraph

No.8 of the said judgment being relevant is reproduced herein under:

“8. The relevant provision in Rule 31 is that "If the Court sees reason to doubt the justice of the decision, it will try the case de novo, or refer it to Panchayat as above". In this case there was no reference to a Panchayat and hence after the appellate Court saw reason to doubt the justice of the decision, it decided that the case be the de novo. Thus, only after the justice of the decision was doubted, the decision that the case be tried de novo, was taken. "De novo' means afresh, anew, starting again. In Black's Law Dictionary the meaning of 'hearing de novo' is given as : "Generally, a new hearing or a hearing for the second time, contemplating an entire trial in same manner in which matter was originally heard and a review of previous hearing. On bearing 'de novo' court hears matter as court of original and not appellate jurisdiction". Thus, de novo hearing is decided when the earlier hear in is taken to be of no consequence or legal effect. A de novo hearing has, therefore, to be held as a fresh hearing from the beginning. This interpretation is in conformity with the provision in Rule 31. We, therefore, held that a de novo proceeding held as ordered under Rule 31 of the Rules will be an original proceeding for all purposes and must be treated as such.”

14. Before further proceeding, this Court at this stage finds it relevant to take note of the facts in the case of **Medenkaba (supra)**. The facts narrated in the judgment would show that the plaintiff therein had instituted a declaratory suit in the Dobashi's Court at Mokokchung claiming inter alia that they being heirs of the clan were eligible to use the names "Wazatipongla" and "Jamtisungla" and that the defendants were not entitled to use the said names. The Dobashi's Court decided the said suit against the plaintiffs and it is under those circumstances, an appeal was preferred under Rule 31 of the Rules of

1937.

15. The facts further show that the learned Additional Deputy Commissioner, Mokokchung having reasons to doubt the justice of the decision, decided that a case be tried de novo and transferred it to the Court of the Assistant to the Deputy Commissioner Mokokchung to try de novo and the learned Assistant to the Deputy Commissioner vide judgment dated 18.01.1978 dismissed the suit with costs. Thereupon an appeal was filed under Rule 34 of the Rules of 1937 to the Additional Deputy Commissioner who dismissed the appeal on 19.08.1978 as time barred and it is under such circumstances, a revision application was filed before this Court. When the revision application was moved before the learned Coordinate Bench of this Court on 07.08.1980, the learned Coordinate Bench of this Court formulated certain questions. Paragraph No.3 of the judgment in the case of **Medenkaba (supra)** refers to the questions which were formulated. Taking into account its importance, paragraph No.3 of the said judgment is quoted herein below:

“3. When this petition was moved before a Single Bench of fed my learned brother Hansaria, J. at Kohima on 07.08.80 the following questions were found to have been involved in the petition, namely, whether, after an appeal has been preferred to the Deputy Commissioner or the Additional Deputy Commissioner under Rule 31 of the Rules, the court could transfer the case to his Assistant as was the practice in vogue instead of trying it itself; whether such de novo disposal by the Assistant to the Deputy Commissioner or for that matter by the Additional Deputy Commissioner himself would be an original or appellate proceeding; and after such de novo disposal by the Assistant to the Deputy Commissioner, whether an

appeal shall lie to the Deputy Commissioner under the second part of Rule 34 or a revision would lie under the first part of the same Rule. This was considered to be important because for revision no period of limitation has been prescribed, whereas an appeal has to be preferred within 30 days "excluding the time required for obtaining a copy of the decision". Notice was issued to the learned Advocate General, Nagaland to assist the Court as Amicus Curiae and the case was transferred from Kohima to the principal seat where a Division Bench issued Rule on, 18.9.80."

16. The answers to the questions formulated were:

(A) Whether after an appeal has been preferred to the Deputy Commissioner under Rule 31 of the Rules, the Court could transfer the case to the Assistant?

The learned Division Bench observed that the Deputy Commissioner had the jurisdiction to transfer the case to his Assistant for deciding the dispute by carrying out a de novo trial – paragraph No.9 of the judgment.

(B) Whether the de novo disposal by the Assistant to the Deputy Commissioner or for that matter, by the Additional Deputy Commissioner himself would be an original or appellate proceedings?

The learned Division Bench observed that the de novo proceedings would be an original proceedings – paragraph Nos. 8 & 10 of the judgment.

(C) Whether after disposal of the de novo proceedings by the Assistant to the Deputy Commissioner, an appeal would lie to the Deputy Commissioner under the second part of Rule 34 of the Rules of

1937 or a revision would lie under the first part to the High Court?

The learned Division Bench opined that the de novo proceedings being original proceedings, both the remedies under Rule 34 was available to the aggrieved party.

17. In the above backdrop, let this Court understand what the learned Division Bench opined in paragraph No.8 as quoted herein above. The learned Division Bench opined that de novo means afresh, anew, starting again and therefore, a de novo hearing is decided when the earlier hearing is taken to be of no consequence or legal effect or in other words, a de novo hearing has therefore to be held as a fresh hearing from the beginning. But the question is whether the order for which the appeal was preferred loses its existence with a decision to go for a new trial. The said decision in the opinion of this Court does not address the issue as to what is the effect when the decision of the customary Court is being doubted and the Appellate Court decides to go for a de novo trial. Rather, the decision in the case of ***Rokozel Yoho (supra)*** more particularly at paragraph No.12, specifically deals with the issue as to what is the effect of that order when a de novo trial is ordered. Paragraph 12 of the said judgment being relevant is reproduced herein under:

“12. Moreover, the decision of the Appellate Court to set aside the decision of the Dobashis Court on the basis of a doubt for which a de novo trial is ordered does not inspire this Court as a decision of an authority can only be set aside after firmly coming to the conclusion that the said order is erroneous and requires interference. The de novo trial to which the Appellate Court can resort to under rule 31 of the Rules is only to dispel the

doubt which had arisen as regards the justice of the decision and upon the culmination of the de novo trial the said doubt can be dispelled. This court is, therefore, of the view that the decision of the Dobashis court shall continue to remain in operation during the de novo trial proceedings as conceptualized under rule 31, however, subject to the exercise of jurisdiction by the Appellate Court, to stay the operation of the decision of the Dobashis court in terms with order XLI, rule 5 of the Code of Civil Procedure, 1908."

18. This Court further taking into account the language used in Rule 31 of the Rules of 1937 is further of the opinion that the legislature has not used the words that if the Court sees reason to doubt the justice of the decision, "it shall set aside the decision and try the cases de novo" rather, the use of the words in Rule 31 of the Rules of 1937 are "if the Court sees reason to doubt the justice of the decision, it will try the cases de novo", meaning thereby the de novo trial is being carried out to dispel the doubt which has arisen as regards the justice of the decision and upon the culmination of the said de novo trial, the said doubt can be dispelled. In other words, the order so appealed against shall be subject to the de novo trial.

19. Before deciding the present point for consideration, it is pertinent to observe that if the proposition of the learned Senior counsel for the petitioner is to be accepted that the order passed by the Village Council ceased to exist upon a decision taken to proceed with a de novo trial, it would result in incongruous situation in a case where a Village Council passes a decision in favour of the opposite party in a proceedings, the complainant files an appeal and a decision

is taken to go for a de novo trial. If the submission of the learned Senior counsel for the petitioner is accepted, the decision so passed in favour of the opposite party by the Village Council would cease to exist even without adjudication. Furthermore, in the de novo trial, the complainant who becomes the plaintiff does not participate which leads to the dismissal of the proceedings. Therefore, even without any adjudication, a decision rendered by the Village Council would be set aside. In the opinion of this Court, the answer to the point for consideration would be that the order of the Village Council being doubted becomes inoperational till the decision of the de novo trial.

20. Accordingly, this Court answers the first point for consideration opining that the order dated 16.08.2004 passed by the Kohima Village Council, Court would continue to exist despite the order passed dated 28.10.2005 directing that there shall be a de novo trial. It is further opined that the order dated 16.08.2004 would be subject to the outcome of the de novo trial and by operation of the doctrine of eclipse, the order dated 16.08.2004 becomes inoperational till the de novo proceedings are not culminated.

SECOND POINT FOR CONSIDERATION:

21. Let this Court deal with the second point for consideration as to whether the dismissal of Title Suit No.1/2008 for default had any impact on the order dated 16.08.2004 passed by the Kohima Village Council. It is relevant at this stage to again take note of paragraph No.8 of the judgment of the learned Division Bench in the case of ***Medenkaba (supra)*** wherein it was observed that de novo trial would

mean original proceedings for all purposes. Therefore, the respondent herein who was the complainant before the Kohima Village Council became the plaintiff in the de novo trial and the petitioner along with another who were the opposite parties in the proceedings before the Kohima Village Council would be the defendants. It is relevant to take note of that the Respondent herein accordingly, had filed the suit being Title Suit No.1/2008 before the learned Court of the Assistant to the Deputy Commissioner and in the said suit, the petitioner along with another were the defendants. From the materials on record, it is seen that the said suit being Title Suit No.1/2008 was dismissed for default of the plaintiff meaning thereby that the plaintiff in the said de novo trial could not prove his rights. The natural corollary therefore is that the order dated 16.08.2004 passed by the Kohima Village Council becomes non-existent as the plaintiff/respondent herein failed to prove his rights in Title Suit No.1/2008. The above therefore answers the second point for consideration.

THIRD POINT FOR CONSIDERATION:

22. The third point for consideration is in respect to the legality of the impugned order. The impugned order is based upon the order dated 16.08.2004 passed by the Kohima Village Council. The order dated 16.08.2004 having lost its force in view of the dismissal of Title Suit No.1/2008, the impugned order also cannot stand the scrutiny of law for which the order dated 01.10.2024 is required to be set aside and quashed.

FOURTH POINT FOR CONSIDERATION:

23. The above analysis and determination decides the three points for consideration so formulated herein above. Be that as it may, it is relevant to take note of that this Court is not only exercising the jurisdiction under Article 227 of the Constitution but also under Rule 32 of the Rules of 1937. It is apposite to mention that Rule 32 of the Rules of 1937 as it exists today was a part of Rule 34 of the Rules of 1937 as it stood prior to its amendment made by the Rules for Administration of Justice and Police in Nagaland (Third Amendment) Act, 1984. Rule 32 of the Rules of 1937 presently confers revisional jurisdiction upon this Court. This jurisdiction so conferred is not akin to the jurisdiction as mandated in Section 115 of the Code of Civil Procedure, 1908 but the jurisdiction is far more extensive. In this regard, this Court finds it relevant to observe that Rule 32 of the Rules of 1937 is *pari materia* to Rule 36 of the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills. The Full Bench of this Court in the case of ***Ka Idis Mary Kharkongor. Vs. Ka Theirit Lyngdoh*** reported in ***AIR 1959 Assam and Nagaland*** observed that the High Court in exercise of its powers under Rule 36 can exercise the same powers as in the case of a First Appeal. It was observed that the High Court could pass any order as it may deem fit.

24. This Court also has the supervisory jurisdiction to exercise powers where manifest miscarriage of justice has occasioned.

25. This Court has perused the records of Title Suit No.1/2008. It is shocking and surprising how the learned Court of the Civil Judge (Junior), Kohima had exercised its jurisdiction. It is important to note

that in view of a notification issued by the Government of Nagaland dated 22.05.2008, the nomenclature and redesignation of the existing judicial posts were changed viz.

<u>Existing nomenclature</u>	<u>Changed nomenclature</u>
D.C. (Judicial)	District & Sessions Judge
A.D.C. (Judicial)	Addl. District & Session Judge
Judicial Magistrate First Class	Chief Judicial Magistrate
Judicial Magistrate Second Class	Civil Judge (Junior) & to conduct both Civil & Criminal Cases.

26. In view of the notification dated 22.05.2008, the de novo trial which was pending before the learned Court of the Assistant to the Deputy Commissioner was transferred to the Court of the Civil Judge (Junior), Kohima which Court was empowered to deal with the civil cases. The so much of the materials available in the records of Title Suit No.1/2008 would show that upon the de novo trial proceedings being transferred, summons were issued on 18.03.2011 and on 06.05.2011 as none appeared, the case was dismissed for default. The orders so passed are reproduced herein under:

“18/3/11

L.R. put up today.

Perused the record. Issue summons to both sides fixing 6/5/11.

6/5/11

Case record put up today.

None appears for both sides despite summons being issued. No cause

shown for none appearance.

In view of the above, the matter is dismissed on default."

27. The above orders so quoted would not show that the summons were served and then the parties did not appear. Rather, it only shows that summons were issued and as none appeared, the suit was dismissed for default. The manner in which the learned Court of the Civil Judge (Junior), Kohima had dismissed the proceedings goes against the well settled principles of law and in the opinion of this Court had resulted in manifest miscarriage of justice. Consequently, this Court which exercises not only a revisional jurisdiction which is akin to appellate jurisdiction but also supervisory jurisdiction deems it fit that there is a requirement of adjudication of the disputes involved amongst the parties on merits. Accordingly, this Court restores the proceedings being Title Suit No.1/2008 to the file of the learned Court of the Civil Judge (Senior Division), Kohima.

CONCLUSIONS:

28. Accordingly, the instant petition stands disposed off with the following observations and directions:

(A) The order/decision dated 01.10.2024 passed by the Gaonburah of Kohima village is set aside and quashed.

(B) This Court interferes with the order dated 06.05.2011 passed by the learned Court of the Civil Judge (Junior) Kohima in Title Suit No.1/2008 and restores the proceedings being Title Suit No.1/2008 to the file of the learned Court of the Civil Judge (Senior Division) at

Kohima.

(C) As the Title Suit No.1/2008 is restored by the present judgment and order, the order of the Kohima Village Council dated 16.08.2004 is also restored. However, the order dated 16.08.2004 passed by the Kohima Village Council would not be operational/executable till the disposal of Title Suit No.1/2008. It is made clear that the order dated 16.08.2004 shall be subject to the outcome of Title Suit No.1/2008.

(D) The parties herein who are also parties in Title Suit No.1/2008 are directed to appear before the learned Court of the Civil Judge (Senior Division) Kohima on 24.07.2025 for further proceedings of Title Suit No.1/2008.

(E) The learned Court of the Civil Judge (Senior Division), Kohima shall on the basis of the pleadings frame issues and thereupon decide the suit in accordance with law.

(F) It is observed that the learned Court of the Civil Judge (Senior Division), Kohima shall not be influenced by the observation made in the instant judgment when deciding the suit being Title Suit No.1/2008 on merits.

(G) The Registry of the Principal Seat of this Court shall forthwith return the records of the present proceedings to the Kohima Bench of this Court. The Registry of the Kohima Bench of this Court shall forthwith upon receipt of the records return the records of Title Suit No.1/2008 to the learned Court of the Civil Judge (Senior Division), Kohima and ensure that the records are available before the said Court

on or before 22.07.2025.

JUDGE

Comparing Assistant