GAHC020004092026 2026:GAU-NL:586

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

Case No. : MFA/1/2026

LATWANG KONYAK
S/O P. CHINGAM KONYAK, R/O NEW SITE MON, NAGALAND UNDER P.O. P.S MON IN THE DISTRICT OF MON, NAGALAND - 798621

VERSUS

MOPA KONYAK AND ANR
S/O YOUNGNYAK KONYAK, R/O ANGPHANG VILLAGE, UNDER P.O. P.S. ABOI IN THE DISTRICT OF MON, NAGALAND - 798625

2:YOUGNYAK KONYAK
S/O (NOT KNOWN) R/O ANGPHANG VILLAGE
UNDER P.O. PS.ABOI IN THE DISTRICT OF MON
NAGALAND - 79862

Advocate for the Petitioner : M NAOPHE KONYAK, MEDO VERO

Advocate for the Respondent : Y.P. GUPTA, R/1 & 2,

BEFORE
HONBLE MRS JUSTICE HELEN DAWNGLIANI

ORDER

Date : 29-10-2026

1. Heard Mr. Gautam Chaudhury, learned counsel for the appellant. Also heard Mr. Y. P. Gupta, learned counsel for the respondent Nos. 1 and 2.

2. The instant application has been filed under Order 43 Rule 1 read with Section 151 CPC against the order dated 27.03.2026 passed by the learned District Judge, Mon, Nagaland wherein the proceedings in Title Suit No. 01/2026 and Misc (J) Case No. 1/2026 was stayed on the basis of a letter issued by the Deputy Commissioner, Mon vide letter No. DC MON/JUD-15/2025/950 dated 19.02.2026 who is also the Revenue Cum Land Settlement Officer, Mon and on the basis of the said letter, the injunction with was granted earlier vide order dated 10.02.2026 in the said Misc(J) Case No. 01/2026 was vacated without affording an opportunity to the appellant of being heard.

3. The brief facts of the case is that a friendship developed between the father of the present appellant (Chingam Konyak) and the respondent No. 2 (Yongnyak Konyak) for which they used to meet from time to time. In the process, it is revealed that the said, Yongnyak Konyak (as pleaded by the appellant) induced the father of the appellant to sign few papers without making him aware of the contents and converted them as sale deed agreements. According to the appellant, they did not know of such transaction for a long time. As the lands were not actually transferred, the appellant who is the eldest son of Chingam Konyak along with other family members were not aware about the transaction entered between their father and the respondents. However, in the year 2023, in the month of June, when the respondents came to claim the land for the purpose of partition and demarcation, the appellant came to know about the said alleged sale transaction.

4. Without delving much into the details of the conduct and the

subsequent activities that pursued after the appellant's family came to know of the transaction, it may be sufficient to take note that both the parties entered into an agreement on 13.01.2024, wherein it was agreed that a sum of Rs. 9,20,000/- (Rupees nine lakhs twenty thousand only) was to be given by the appellants to the respondents. However, the respondent No. 2 failed to perform his part of the agreement and repeatedly refusal to accept the amount to be paid by the appellant. Thereafter, the appellant also approached a Naga customary court wherein the dispute is pending for consideration.

5. It is the case of the appellant that even without final adjudication of the dispute raised by the parties, the Deputy Commissioner cum District Magistrate, Mon had interfered in the matter. The Extra Assistant Commissioner, Mon interfered with the possession of the appellant over the scheduled lands and most illegally allowed the respondents to construct a house on the part of the scheduled lands and it is also alleged that the tenants were threatened. In such a situation, the appellant approached the Court of the learned District and Civil Judge, Mon for ventilating his grievance as well as praying for a redressed thereof by invoking the power under Section 9 CPC.

6. Upon filing the suit as well as the Misc (J) case both being numbered as 1/2026, the learned Court below issued notice in the suit and passed order for grant of an ad-interim injunction restraining the respondents from dispossessing the petitioner from the scheduled plot of land in any form. On 19.02.2026, the Court below was served with the letter issued by the Deputy Commissioner, Mon as stated above and it has led to the

passing of the impugned order dated 27.03.2026. Turning to the order dated 27.03.2026, without awaiting the presence of the parties, the learned Court was of the view that the order in effect was that, the case relates to the same parties and the same matter which is in issue that has been previously instituted in the Court of the Deputy Commissioner, Mon who had jurisdiction and competence to try the case. Accordingly, the aforesaid court stayed its own proceedings and the injunction order passed by the said Court on 10.02.2026 was vacated by the impugned order dated 27.03.2026.

7. Mr. Gautam Chaudhury, learned counsel for the appellant has raised a number of grounds challenging the order dated 27.03.2026, in which violation of the principles of natural justice has been stressed upon. It is noted that this Court vide order dated 21.09.2026 has observed that it shocked the conscience of the Court to see the learned Trial Court vacated an injunction order without informing the parties concerned, suo-moto and that such an action is a concept which is unheard of in a judicial proceeding.

8. The learned counsel for the respondents have fairly submitted that the grounds of challenge involved herein is mainly between the Court and the propriety of the order passed by the learned Trial Court and he would not have any submissions to the issues raised in the instant appeal.

9. This Court without delving much into the other aspects of the challenge made to the Order dated 27.03.2026, would limit its scope of adjudication to the violation of the principles of natural justice.

10. It is seen from the record and in particular the Order dated 27.03.2026 that the order was not passed in consonance with Order 39 Rule 4 which mandates that an application has to be filed and that over and above it is the principle of natural justice that the parties are to be heard and thereafter, upon consideration of the respective submissions, decision is to be made thereon.

11. In the case at hand, the order prima facie depicts that there is no proper hearing and that the decision so made was taken solely on the basis of a letter received from the Deputy Commissioner, Mon who apparently had also the jurisdiction and the competence to try the similar suit.

12. Upon hearing the learned counsel for the appellant, upon perusal of the record, more particularly the order passed by the learned District and Civil Judge, Mon vide order dated 27.03.2026, this Court is satisfied that the principles of natural justice have not been followed and the same cannot be regarded as order passed on due application of judicious mind.

13. Thus, it is deemed fit and proper that the parties interested in the case are to be heard and consequential orders may thereafter be passed by the learned Court.

14. Accordingly, the order dated 27.03.2026 passed by the learned District and Civil Judge, Mon in Title Suit No. 1/2026 and Misc (J) Case No. 1/2026 are set aside and quashed. The Title Suit No. 1/2026 and Misc (J) No. 1/2026 shall stand restored to file. It is needless to say that in view of the above restoration of Title Suit No. 1/2026 and Misc (J) No. 1/2026, the

ad-interim order dated 10.02.2026 shall stand restored.

15. Parties to the lis who may want to apply for an injunction or stay would have to follow the procedure and the manner of the disposal should have to be done in the manner prescribed under the relevant law.

16. With the above order, the appeal stands disposed of as allowed.

17. The parties shall appear before the learned District and Civil Judge, Mon on 26.11.2026.

JUDGE

Comparing Assistant