

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 3 of 2014

02.04.2014

Heard Mr. R Sahu, the learned counsel for the petitioner.

As per office note dated 1.04.14, it appears that notice has returned un-served. However, the petitioner's counsel is directed to take fresh necessary steps to serve notice upon the respondent in the correct address.

List this matter after 2(two) week.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 53 of 2013

02.04.2014

Heard Mr. SP Roy, the learned counsel for the petitioner who submits that the respondent namely; Smti. Margareth Khyriem filed Title Suit against the petitioner bearing Title Suit No. 2 (T) 2011 pending in the Court of Assistant to the Deputy Commissioner (Judicial) Nongpoh.

The learned counsel further contended that, the entire Suit is defective in nature as the respondent has filed the said Title Suit without payment of proper Court Fee Stamp. The learned counsel also contended that if Court Fee Stamp is not paid, the Court cannot take cognizance or summon the defendant and the Suit is not maintainable at all.

The learned counsel further argued that, this matter was placed before the learned Trial Court but the learned Trial Court failed to pass necessary order till date. Hence, this petition before this Court.

None appears for on behalf of the respondent, in spite of notice being served as per the report and affidavit filed by the petitioner's counsel as reflected in the order dated 17.02.14.

After hearing the submissions advanced by the learned counsel for the petitioner, I find that it is a fit case which needs to be remanded back. Since no effective order has been passed, I hereby direct the learned Trial Court to hear the learned counsel for the petitioner on the two points i.e. (i) Court Fee Stamp as well as (ii) Maintainability and to pass an effective order within 15(fifteen) days from the date of receipt of this order.

Further, the learned Trial Court is directed to proceed with the said Title Suit only after decision has been taken regarding Court Fee Stamp which is supposed to be paid by the respondent.

It is also observed that, after decision has been taken on the Court Fee Stamp, the petitioner will be at liberty to challenge the previous orders passed prior to decision on Court Fee Stamp.

Registry is directed to send back the Lower Court case record to the Court concerned along with a copy of this order.

With these observations and directions, this instant petition is allowed to that extent and the matter stands disposed of.

JUDGE

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
EL. PET. No. 1 of 2013

02.04.2014

Heard Mr. GS Massar, the learned senior counsel for the respondent as well as Mr. K Paul, the learned counsel for the petitioner who sought further 1(one) weeks' to file the suggested issues.

As per the Provision of Section-86 sub-section-(7) of Representation of the Peoples' Act, 1951, it is clearly stated that, endeavour shall be made to dispose of within six months which is mandatory in nature, if strictly followed. Therefore, in my considered view, this instant petition has already become time-barred for disposal. However, the petitioner's counsel is granted another 1(one) week's time to file the suggested issues and to obtain necessary instructions from his client.

List this matter after 1(one) week.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Review Petn. No. 6 of 2014

02.04.2014

Heard Mr. MF Qureshi, the learned counsel for the petitioners who submits that the order dated 12.09.13 was passed without serving notice and disposed of at motion stage.

Also heard Mr. SP Mahanta, the learned counsel for respondent No. 3.

It is apparent that the petitioners in this instant case have approached this Court after a lapse of limited period as prescribed by law. However, if the petitioners are aggrieved, they can file a counter representation to the Defence Secretary. The Defence Secretary is also directed to consider the representations submitted by the petitioners in WP(C) No. 263 of 2013 as well as in this instant Review Petition No. 6 of 2014.

In the order dated 12.09.13, it was ordered that the representation submitted by the petitioners in WP(C) No. 263 of 2013 to be disposed of within 1(one) month's from the date of the order. Since Review Petition has come before this Court, another 1(one) month's time is extended from the date of this order.

With these observations and directions, this instant petition is disposed of.

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 354 of 2012

02.04.2014

Heard Mr. H Kharmih, the learned counsel for the petitioner who submits that rejoinder affidavit is ready but the same could be filed as the petitioner is not available, so the that the matter may be fixed after 2(two) weeks as a last chance.

Mr S Dey, the learned counsel appearing for on behalf of respondent Nos. 1, 2 & 3 and Ms. Q Lamare, the learned counsel for respondents 6 to 7 are present.

The petitioner's counsel further directed to file rejoinder affidavit before the next date fixed with a copy to respondent.

List this matter for hearing after 2(two) weeks as a last chance.

JUDGE

V Lyndem