

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 7 of 2014

03.04.2014

Heard Mr. K. Khan, learned counsel appearing for and on behalf of the petitioner, who submits that a Title Suit was filed before the Assistant to the Deputy Commissioner, Shillong as a Title Suit No. 248(T) 2012 praying for declaration of the petitioner Md. Zaheer as Secretary of Masjid, Garikhana as per the notice dated 15.10.2012 and proceeding of the meeting dated 05.11.2012 and also filed a Misc. Case bearing No. 316(T) 2012.

During the pendency of the Title Suit, the learned court below appointed M.Y. Siddiqui as a Court Commissioner by invoking the inherent power under section 151 CPC to look after the management of the Masjid Committee as an interim measure. Mr. M.Y. Siddiqui, the Commissioner appointed by the court submitted a report which is dated 13th January 2013 stating that the respondent has not cooperate with him. However, the learned court below did not take any further action on the matter and passed the impugned order dated 17th May 2013 in Misc. Case No. 316(T) of 2012 wherein, the court came to the conclusion that the balance of convenience, etc in favour of the petitioner, but decline to pass an interim injunction order restraining the respondent/opposite party.

Being aggrieved by the said order, the petitioner filed an appeal before the Additional Deputy Commissioner, Judicial, Shillong as FAO. No. 14(T) of 2013, but the learned Appellate court also upheld the order of the trial court vide order dated 14.02.2014.

Being aggrieved by those orders, the petitioner approached this court by way of this revision petition.

On the other hand, Mr. M.F. Qureshi, learned counsel appearing for and on behalf of the respondent submits that the respondent is an elected member of the Masjid Committee and his term will expire only on 3rd May 2014 as such, there is no question arise of declaration of the petitioner in this revision petition as Secretary of the Masjid Committee. Therefore, both the

learned courts has rightly passed the impugned order in Misc. Case No. 316(T) of 2012 and FAO. No. 14(T) of 2013.

The learned counsel, Mr. M.F. Qureshi also further submits that the respondent has got all the accounts including Bank Accounts, rent receipt and construction of building accounts, etc. That itself shows that the respondent is the Secretary and has been authorized by the members of the Masjid. So, no interference is wanted.

After hearing the submissions advanced by the learned counsel for the parties, and after going through all documents, I am of the considered view that the question which arise here is who is the actual Secretary? Whether it is the petitioner or the respondent? That remains disputed. Therefore, for proper adjudication, the court needs to decide who is the actual elected Secretary of the Masjid Committee. Thereafter, the court can pass necessary order as feel deemed fit and proper. But, in these impugned judgments, I did not find that the court has come to a proper conclusion that who is the actual Secretary of the Committee since there is a claim and counter claim for the parties. I feel that the matter needs to be decided by way of documentary evidence or oral evidence.

In the meantime, status quo will be maintained as on today and respondent is directed to keep the accounts of the Masjid up-to-date and after decision of the actual position, the court may pass necessary order for interest of justice.

Accordingly, the impugned judgment dated 17.05.2013 as well as 14.02.2014 is hereby set aside.

Hence, this matter is remanded back to the trial court below with a direction that, the court to decide who is the actual Secretary of the Masjid Committee within 15(fifteen) days.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 12 of 2013

03.04.2014

Heard Mr. K. Paul, learned counsel for the petitioner as well as Mr. R. Debnath, learned counsel for the respondent contemnor.

Mr. R. Debnath, learned counsel submits that due to some personal difficulties, he could not communicate the order to his client for compliance, and prays that 1(one) weeks' time may be given.

Considering the request made by the learned counsel for the respondent contemnor, prayer is allowed.

In the meantime, the learned counsel is directed by any means to communicate the order for compliance on or before the next date fixed.

List this matter next week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 57 of 2013

03.04.2014

Heard Ms. L. Khiangte, learned counsel for the petitioner.

From record it appears that the petitioner has already deposited Rs. 1000/- (Rupees one thousand) only as cost vide order dated 20.03.2014 passed in MC(CRP) No. 7 of 2014.

The matter came up for hearing.

The learned counsel for the sole respondent, Mr. C.H. Mawlong is not present, however, his junior informed the court that he could not come due to the sudden demise of his relative, and prays that the matter may be fixed next week.

Accordingly, list this matter next week.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 58 of 2013

03.04.2014

Heard Ms. R. Paul, learned counsel for the petitioner.

Mrs. Y. Shylla, learned counsel for respondent No. 2 is present as well as Ms. L. Phanjom, learned counsel appearing on behalf of Mrs. T. Yangi, learned counsel for respondent No. 1.

All the counsels submit that the matter has almost arrived for settlement, but needs few days' time.

Mr. S. Sen Gupta, learned GA submits that, he did not received the copy of the petition.

Petitioners' counsel is directed to serve the copy of the petition to the learned GA in the course of the day.

List this matter next week for further order.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 197 of 2012

03.04.2014

Mr. R. Sahu, learned counsel for the petitioner as well as Mr. L. Shongwan, learned counsel for respondent No. 2 is present.

Heard Mr. S. Sen Gupta, learned counsel for respondent No. 1 who submits that the matter may be fixed tomorrow, and the report will be filed in due course of the day.

Accordingly, list this matter tomorrow i.e. **04.04.2014**.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 330 of 2012

03.04.2014

List this matter next week as petitioners' counsel, Ms. R. Paul is not prepared today.

Mr. R.B. Pradhan, the learned Standing counsel for MTDC as well as Mrs. S. Bhattacharjee, learned GA is present.

Accordingly, list this matter next week.

JUDGE

D. Nary