

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

08.04.2014

Heard Mr. TH. Rakesh Singh, learned counsel who submits on behalf of the petitioner that the previous counsel (L) N.R. Laitphlang due to oversight or for the reasons best known to him has mentioned in the written statement, the disputed land wrongly. The disputed land/premises mentioned in the written statement is not at all undisputed, it is some other land of the petitioners which is on dispute. So, until that fact is brought on record to the court by way of amendment of the written statement, the case is bound to go into the wrong direction.

I agree with the submissions advanced by the learned counsel, Mr. TH. Rakesh Singh that, unless and until the actual fact comes on record before the court, it will be difficult on the part of the court to adjudicate the matter in the right direction or otherwise, justice may be denied.

Also heard the learned counsel, Mr. C.H. Mawlong appearing for and on behalf of the sole respondent, who submits that the petitioners' counsel should have stated this fact before the learned court below, but he failed to do so.

It is a settled principle of law that for fault of the lawyer or inefficiency of a lawyer, the parties should not suffer. Therefore, I feel that it is a fit case to remand back to the trial court concerned with a direction that the amendment as required submitted by the learned counsel for the petitioner to be allowed, and then the court if desires so, may frame additional issues and to proceed with the trial giving equal opportunity to both the parties to take part in the proceeding, and then to come to the conclusion in accordance with law.

Registry is directed to remand back the Lower Court case record to the trial court concerned along with the copy of this order.

With this observation and direction, this instant petition is allowed to that extent and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 95 of 2013

08.04.2014

Heard Mr. A. Khan, learned counsel appearing for and on behalf of the respondent/Union of India.

None has appeared for the petitioner.

Mr. S.A. Shiekh, learned counsel undertakes to inform the learned counsel for the petitioner.

List this matter on **10.04.2014**.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 323 of 2012

08.04.2014

List this matter on **10.04.2014** as certain documents are to be produced by the learned counsel for the respondents.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 374 of 2010

08.04.2014

The learned counsel for the petitioner, Mr. H.R. Nath is present as well as the learned counsel for the District Council, Mr. S. Dey.

The learned counsel, Ms. A. Kharumnuid submits that, Mr. R. Kar is in bed rest, so the matter may be fixed day after tomorrow.

Order dated 05.03.2014 clearly says that no further adjournment will be allowed. Hence, I had the intention to put costs, but however, considering that the person is sick, the matter is adjourned giving a last chance.

List this matter on **10.04.2014**.

JUDGE

D. Nary