

Cont Case No. 2 of 2014
IN WP(C) No. 193 of 2013

25.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Mazumdar, Advocate, present for the petitioner.

Shri A Khan, Advocate, present for the respondents.

List this contempt petition after disposal of WA No. 17 of 2014.

CHIEF JUSTICE

dev
25.06.14

Cont Case No. 3 of 2014
IN WP(C) No. 162 of 2013

25.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Mazumdar, Advocate, present for the petitioner.

Shri A Khan, Advocate, present for the respondents.

List this contempt petition after disposal of WA No. 14 of 2014.

CHIEF JUSTICE

dev
25.06.14

Cont Case No. 4 of 2014
IN WP(C) No. 122 of 2013

25.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Mazumdar, Advocate, present for the petitioner.

Shri A Khan, Advocate, present for the respondents.

List this contempt petition after disposal of WA No. 20 of 2014.

CHIEF JUSTICE

dev
25.06.14

Cont Case No. 30 of 2013
IN WP(C) No. 174 of 2012

25.06.2014

HON'BLE THE CHIEF JUSTICE

Shri R Gurung, Advocate, present for the petitioners.

Shri R Deb Nath, Advocate, present for the respondents.

Response has been filed on behalf of respondent No. 1 also.

Learned counsel for the petitioners prays for and is allowed three weeks' time to file rejoinder affidavit.

List after two weeks.

CHIEF JUSTICE

dev
25.06.14

THE HIGH COURT OF MEGHALAYA

CRP No. 9 of 2014

1. Shri Proster Tangliang, resident of Samasi Village, Jaintia Hills District.

2. Shri Begin Paslein, resident of Samasi Village, Jaintia Hills District

.....Petitioners

-Versus-

1. Shri Wolbing Paslein, Headman Mynthning, Mynthning village, Jaintia Hills District.

2. Shri Wis Mannar, Secretary Mynthning, Mynthning village, Jaintia Hills District.

..... Respondents

Shri L Khyriem, Advocate, present for the revisionists.

None present for the respondents.

Date of Order 25th June, 2014.

O R D E R

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Heard.

2. This Civil Revision Petition filed under Rule 6 of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 read with Article 227 of the Constitution of India, the petitioners/revisionists have challenged the order dated 25.02.2014, passed by the

Judge District Council Court, Jaintia Hills District, Jowai in Misc. Civil Appeal No. 2 of 2013, whereby, said Court has dismissed the revisionists (appellants before lower appellate court) application. The revisionists have further challenged the order dated 22.04.2014 passed by the Presiding Officer, Subordinate District Council Court, Jowai in Misc. Case No. 24 of 2013, whereby the present revisionists are restrained from entering the suit property.

3. Briefly stated the case is that the parties to this revision petition are in litigation in two cross title suits (TS No. 11 of 2009 and TS No. 6 of 2012) along with TS No. 20 of 2009 in respect of land situated in Samasi Village/Mynthning Village, in Jaintia Hills District.

4. It appears that all the three suits are being tried together in the spirit of order of Apex Court in SLP (A) No. 11920 of 2010. In one suit, the present respondents filed application for temporary injunction which was registered as Misc. Case No. 7 of 2009.

5. The trial court after making local inspection, passed a detailed order in favour of the present respondents holding prima facie case, balance of convenience and irreparable loss in their favour. The present revisionists challenged said order by filing Misc.

Civil Appeal No. 2 of 2013, whereby, Judge District Council Court, Jowai after hearing the parties, dismissed the appeal. It appears that aggrieved by both orders, the present revisionists earlier filed CRP No. 43 of 2013 which was allowed vide order dated 28.11.2013, and the matter was remanded for fresh consideration by the Judge, District Council Court, Jowai. The District Council Court, Jowai vide impugned order dated 25.02.2014 again dismissed the appeal on the ground that the appellants (present revisionists) were resorting to delaying tactics. Hence, this revision. Consequently, the trial court vide order dated 22.04.2014 directed the parties to abide by the order dated 07.12.2012.

6. In the present revision, the main points argued before this Court is that Shri L Khyriem, Advocate, who is the counsel for revisionists, was also the counsel for the appellants before the Judge, District Council Court, Jaintia Hills District, Jowai. It is further stated that he was also the counsel before the trial court i.e. Subordinate District Council Court, Jaintia Hills District. It is further submitted that Shri J Khyriem, Judge, District Council Court, Jaintia Hills District is the first cousin of Shri L Khyriem, Advocate, representing the appellants/revisionists. It is

contended that Judge, District Council Court, Jaintia Hills District should not have heard this matter, particularly, after application was moved by the appellants that their counsel is unable to argue before the said Court on account of blood relationship.

6. In the above circumstances, this Court is of the view that lower Appellate Court has erred in law in dismissing the appeal ignoring the above fact. Nobody has turned up on behalf of respondents No. 1 and 2 in the present revision petition even after notices were sent by Registered post to them, and not received back after more than one month.

7. Having considered submissions of the learned counsel for the appellants/revisionists, this Court finds it just and proper to allow the revision and to direct that Misc. Civil Appeal No. 2 of 2013 be transferred from the Court of Judge, District Council Court, Jowai to Judge District Council Court, East Khasi Hills District, Shillong, for its disposal.

8. Accordingly, the revision is allowed. The impugned order dated 25.02.2014, passed in Misc. Civil Appeal No. 2 of 2013, by the Judge, District Council Court,

Jaintia Hills District, Jowai is set aside. The record of said appeal is directed to be transmitted by said Court to the Court of Judge, District Council Court, East Khasi Hills District, Shillong, for its disposal.

(Prafulla C Pant)
CHIEF JUSTICE

dev
25.06.14

CR(P) No. 11 of 2014

25.06.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in Misc. Case No. 18 of 2014, Shri Bahlang Khongwir is allowed to be impleaded as respondent No. 2 in this revision petition.

List for hearing.

CHIEF JUSTICE

dev
25.06.14

MC No. 10 of 2014
IN CRP No. 9 of 2014

25.06.2014

HON'BLE THE CHIEF JUSTICE

In view of the order of the date passed in CRP No. 9
of 2014, this Misc. Case also stands disposed of.

CHIEF JUSTICE

dev
25.06.14

MC No. 13 of 2014
IN CRP No. 11 of 2014

25.06.2014

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with CR(P) No. 11 of
2014.

CHIEF JUSTICE

dev
25.06.14

MC No. 18 of 2014
IN CRP No. 11 of 2014

25.06.2014

HON'BLE THE CHIEF JUSTICE

Shri HS Thangkhiew, Senior Advocate, assisted by
Shri N Mozika, Advocate, present for the applicant.

Shri K Khan, Addl. Sr. GA, present for the State
respondents.

Heard.

By means of this application, the applicant Shri
Bhalang Khongwir has sought impleadment as
respondent No. 2 in CR(P) No. 11 of 2014.

Learned counsel for the parties have no objection to
the impleadment of the said applicant in the CR(P) No. 11
of 2014.

Accordingly, the application is allowed. Misc. Case
No. 18 of 2014 stands disposed of.

CHIEF JUSTICE

dev
25.06.14