BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CAVEAT No. 194 of 2013

03.02.2014

Heard the learned counsel for both the parties.

Accordingly, the Caveat Petition stands discharged.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP. No. 2 of 2014
WITH MC(CRP) No. 4 of 2014

03.02.2014

Heard Mr. ODV. Ladia, learned counsel for the petitioner who submits that, vide judgment and order dated 25.11.2010 in PARTITION SUIT No. 1 of 2000 the Presiding Officer, Subordinate District Council Court, Shillong passed a decree in favour of the defendant without considering the evidence on record. The learned counsel also further argued that there was no counter claim claimed by the defendant except for dismissing the claim petition with cost. Therefore, he submits that the entire decree is beyond the pleading.

Also heard Mr. S.D. Upadhya, learned counsel who entered appearance for the sole respondent and submitted that if the matter is remanded back to the trial court, the time may be fixed for disposal.

I have perused the written statement as well as the judgment in question passed by the Presiding Officer, Subordinate District Council Court, Shillong and the judgment dated 15.11.2013 passed in TITLE CIVIL APPEAL No. 2 of 2011.

After perusal of the documents referred above and considering the submissions advanced by the learned counsel, both the impugned judgment referred above are hereby set aside and the matter is remanded back to the trial court to reconsider the matter after hearing both the parties, taking into consideration the evidence recorded and to confined the judgment within the pleading, in case, if it is necessary for the interest of adjudication, the court to allow the parties to adduce further evidence. It is also further directed to dispose of the matter as early as possible.

With this observation and direction the instant matter is allowed and stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
MC(CRP) No. 4 of 2014

03.02.2014

In the light of the order passed in ***CRP. No. 2 of 2014*** this instant Misc. case stands disposed of.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 117 of 2012

03.02.2014

Heard Mr. BM Roy Dolloi, learned counsel for the petitioner who sought adjournment for 3(three) weeks.

Mr. V.G.K. Kynta, learned Sr. counsel is also not present.

Lit this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 156 of 2012

03.02.2014

Heard Ms. K. Chisa, learned counsel appearing for and on behalf of the petitioner who sought for time and also informed that Mr. S.C. Shyam, learned Sr. counsel is on leave.

Mr. S.P. Mahanta, learned counsel for respondent No. 5 is present.

List this matter after 2(two) weeks' as suggested by the learned counsels.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 199 of 2012

03.02.2014

Heard Ms. A. Kharumnuid, learned counsel who sought time on the ground that her Sr. counsel, Ms. SG. Momin is not available.

State counsel, Mr. S. Sen Gupta is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 200 of 2012

03.02.2014

Heard Mr. R. Jha, learned counsel appearing for and on behalf of the petitioner.

Respondent's counsel, Mr. S.C. Shyam is not present and was informed that he is on leave.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 235 of 2010

03.02.2014

List this matter as a fix item on 17.02.2014 as suggested by the learned counsel for the petitioner, Mr. ODV. Ladia, Mr. R. Debnath, learned CGC and State counsel Mr. S. Sen Gupta.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 275 of 2012

03.02.2014

Heard Mr. R. Syngkon, learned counsel who informed the court that Mr. V.G.K. Kynta, learned Sr. counsel had to leave the court to attend the funeral of his cousin. As such, he is unavailable to attend the court today.

Learned State counsel, Mr. S. Sen Gupta is present.

List this matter after 2(two) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 285 of 2012

03.02.2014

Heard Mr. K.P. Bhattacharjee, learned counsel appearing for and on behalf of the petitioner who sought 3(three) weeks' time.

Learned State counsel, Mr. S. Sen Gupta has no objection.

List this matter after 3(three) weeks.

JUDGE

D. Nary

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
WP(C) No. 364 of 2012

03.02.2014

Heard learned counsel, Mr. K.C. Gautam, Mr. N. Mozika and Mr. S. Dey.

Mr. K.C. Gautam informed the court that one of the counsels is in Mizoram who could not come due to certain difficulties. So the matter may be fixed on 12.02.2014.

List this matter on 12.02.2014 on jurisdiction.

JUDGE

D. Nary