BEFORE
HON'BLE MR. JUSTICE S.R. SEN
Cont. Cas(C) No. 21 of 2013

18.03.2014

List this matter on **19.03.14**

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 16 of 2013

18.03.2014

Heard Mr. K Khan, the learned counsel for the petitioner who submits that the learned Court below has passed the impugned order dated 16.06.10 in Misc. Case No. 23 (T) 2010 arising out of TS No. 1(T) 2010 without considering the fact whether (Annexure-II) Patta can be considered as Patta-cum-Sale Deed. Secondly, whether un-registered Sale Deed or any document which needs to be registered as required under Section-17 of the Registration Act can be considered as a piece of evidence and further prayed that the impugned order may be set aside and to pass necessary direction as deemed fit and proper.

On the other hand, Mr. H Nongkhlaw, the learned counsel appeared for on behalf of the respondent submits that the matter may be referred back to the learned Court below with a direction to pass an appropriate order in accordance with law.

After hearing the submissions advanced by the learned counsel at Bar, I am of the opinion that the matter can be disposed of with a direction that the learned Court below must frame issues while deciding the Title Suit :

i) Whether Patta (Annexure-II) can be considered as Patta-cum-Sale Deed.

ii) Whether un-registered Sale Deed or document which is required to be registered under the Registration Act can be treated as a piece of evidence.

The learned Court below is therefore, directed to answer to these issues referred to above after taking evidence and hearing both the learned counsel for the parties issue-wise.

Further, during the pendency of the trial before the Lower Court, both the parties are to maintain status quo till disposal of the Title Suit referred to above. Accordingly, the impugned orders dated 16.06.10 and dated 4.04.13 are hereby set aside.

The learned Court below is further directed to dispose of the matter expeditiously.

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

JUDGE

V Lyndem

BEFORE
HON'BLE MR. JUSTICE S.R. SEN
CRP No. 61 of 2013

18.03.2014

Heard Mr. HL Shangreiso, the learned counsel for the petitioner.

As per office note dated 14.03.14 it appears that, notice returned un-served with a note that, address not found. In such a circumstances, the petitioner's counsel is directed to find the correct address and to serve the notice afresh within 3(three) days.

List this matter after 3(three) weeks.

JUDGE

V Lyndem

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

18.03.2014

The petitioner's counsel is not present.

Mr. JM Thangkhiew, the learned counsel appearing for respondent No. 1 is present.

List this matter after 2(two) weeks

JUDGE

V Lyndem