

Serial No. 04
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 1 of 2021

Date of Order: 04.01.2021

M/s MSN Enterprises Vs. A2Z Infra Engineering Ltd.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. K. Paul, Adv.

For the Respondent(s) :

Seen the office noting indicating that there are defects in the petition. The petitioner's counsel undertakes to correct the same during the course of the day. The matter however, seemingly urgent is taken up for consideration.

Heard Mr. K. Paul, learned counsel for the petitioner who submits that this matter has been preferred under the Article 227 of the Constitution of India praying for a limited direction so as to not render the suit filed by the petitioner infructuous due to the inaction of the Court of the learned Assistant to Deputy Commissioner, Shillong in Title Suit No. 26(T) 2020 and Misc. Case No. 81 (T) 2020.

Mr. K. Paul submits that the petitioner had instituted a suit against the respondents for declaration and for specific performance of the contract apart from other reliefs before the Court of the Assistant to Deputy Commissioner, Shillong. The counsel submits that the said Suit and the connected Misc. Case for injunction was heard on 22.12.2020, and the petitioner was expecting, as the matter was urgent, that appropriate orders would be passed on the application but however, till date no order had been passed nor the matter updated on the CIS by the learned trial court.

Mr. K. Paul submits that the respondents/defendants taking advantage of the fact that no order had been passed in the Suit filed by the petitioner and the Civil Courts being in vacation are proceeding with the contractual work on a war footing, with the aim to render the petitioner's Suit infructuous. He strongly contends that the matter being very urgent in nature, there was no alternative but to approach this Court under Article 227 of the Constitution of India.

I have heard learned counsel for the petitioner and though the prayer as made out is within a narrow compass, let a notice issue to the respondents returnable within 2(two) weeks. Steps to be taken within 2(two) days both by registered AD and by personal service.

It is further directed that in the interim, and until the next date the respondent No. 1 and the concerned respondents shall suspend all works relating to the contract entered into with the petitioner.

List accordingly after 2(two) weeks before the available vacation bench.



JUDGE

Meghalaya
04.01.2021
"V. Lyndem-PS"