

Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 19 of 2020
With MC(CRP) No. 12 of 2020
Along with Caveat Ptn. No. 50 of 2020.

Date of Order: 20.07.2020

Acting Syiem of Hima Myllem Vs. Shri Bidington Kharir

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. L.Khyriem, Adv.
For the Respondent(s) : Mr. B.Bhattacharjee, Adv.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
ii)	Whether approved for publication in press:	Yes/No

Vide order dated 19.06.2020, the learned Judge District Council Court, Shillong has passed an impugned order in Misc. Case No. 10 of 2020 arising out of Title Suit No. 10 of 2020, whereby the respondent herein was issued a work order for collection of tolls at Iewduh for two years w.e.f 01.04.2018 to 31.03.2020 and in the meantime, he was prevented from collection of the said toll, leading to the institution of Title Suit No. 03 of 2018 and Misc. Case No. 24 of 2018 and which case is still pending before the learned Judge District Council Court, Shillong.

In the meantime, the respondent apprehending that the opposite party, the petitioner herein may issue work order in the said collection of daily tolls at Iewduh, had approached the said learned Judge District Council Court, Shillong, with a prayer, inter alia, for grant of ad-interim injunction, which was allowed vide impugned order dated 19.06.2020.

Being aggrieved and dis-satisfied with the said injunction order dated 19.06.2020, the petitioner has approached this court with an application 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.

In the interim, it is prayed that this order may be stayed till final hearing of this application.

The respondent has appeared before this Court on the strength of a caveat petition filed before this Court and accordingly, no notice is required to be issued upon the respondent.

Caveat is accordingly discharged.

This Court has also note the submission of the learned counsel for the respondent, Shri B.Bhattacharjee who has strongly opposed the grant of stay of the impugned order and has submitted that this matter may be finally heard on the next date.

Upon hearing the submission of the learned counsels for the parties, this Court is of the view that the Lower Court Case Record before the learned Judge, District Council Court, Shillong has to be produced before this Court before finally hearing the parties.

Accordingly, the Court of the learned Judge District Council Court, Shillong is hereby directed to cause production of the said records within the next date fixed.

In the meantime, it is deemed fit and proper that the impugned order dated 19.06.2020 be kept in abeyance until further orders.

List this matter on **27.07.2020** for records and further hearing.

Judge

Meghalaya
20.07.2020
"D.Nary, PS"