

Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 21 of 2020
With MC(CRP) No. 16 of 2020
MC(CRP) No. 17 of 2020
MC(CRP) No. 18 of 2020

Date of Order: 20.07.2020

Shri. K. Langstieh Vs. Shri. Bidington Kharir & Anr.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. Philemon Nongbri, Adv.
For the Respondent(s) : Mr. B. Bhattacharjee, Adv. for R 1.
Mr. L. Khyriem, Adv. for R 2.

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

ii) Whether approved for publication in press: Yes/No

This is 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, wherein the order dated 19.06.2020 passed by the learned Judge, District Council Court, Shillong in Misc. Case No. 10 of 2020 arising out of Title Suit No. 10 of 2020 is under challenged in this instant application.

Heard Mr. Philemon Nongbri, learned counsel for the petitioner who has submitted that vide order dated 19.06.2020 passed in Misc. Case No. 10 of 2020 arising out of Title Suit No. 10 of 2020, the learned Judge, District Council Court, Shillong had passed an ad interim injunction order, basically restraining the petitioner herein from operating as the lessee under the work order dated 31.01.2020, which was actually taken as 23.03.2020 in the impugned order, but pertaining to the collection of tolls from Iewduh, Shillong Hima Myllem.

The petitioner herein being directly affected by the said impugned order and not having been made party to the Suit has therefore approached this Court with a prayer to set aside and quash the impugned order and in the meantime, to stay the operation of the said impugned order.

Also heard Mr. B. Bhattacharjee, learned counsel for the respondent No. 1 who has submitted that a copy of the application may be served upon the respondent No. 1.

However, on the submission of the learned counsel for the petitioner, learned counsel for the respondent No. 1 has strongly objected the submission of the learned counsel for the petitioner and has challenged the maintainability of this instant application. The prayer for grant of stay of the impugned order dated 19.06.2020 has also been opposed by the respondent No. 1.

Having heard the submission of the learned counsels for the parties at this juncture, this Court is of the opinion that the Lower Court case record before the Court of the learned Judge, District Council Court, Shillong be called for and the matter to be finally heard as prayed for by the learned counsels.

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

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

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

Judge

Meghalaya
20.07.2020
"D. Nary, PS"