



Serial No. 14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 32 of 2018

Date of Order: 01.07.2019

John Peter D. Pasi

Vs.

Phrangsngi Sutnga

Coram:

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

Appearance:

For the Petitioner(s) : Mr. H. Abraham, Adv.

For the Respondent(s) : Mr. L. Shongwan, Adv.

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

ORAL

1) The brief facts of the case is that the respondent (Plaintiff) had instituted a Title Suit No. 20 of 2016 along with connected Misc. case before the Subordinate District Council Court, Jowai for declaration of right and title over a plot of land measuring about 229.84 Sq. mt. called Larang situated at Jowai. The learned trial Court had passed an ex parte ad-interim injunction order dated 7th November, 2016. Thereafter, the petitioner entered appearance and contested the case by filing an application for setting aside the order dated 7th November, 2016 by bringing on record certain documents and other materials. The learned trial Court then by the order dated 10th July, 2017 directed both the parties to maintain status quo.



2) The case of the respondent herein (Plaintiff) is that after the status quo order was passed, the petitioner/defendant entered the suit land and started construction and occupied the same in violation thereof. Being aggrieved by the order dated 10th July, 2017, the respondent herein preferred an appeal before the Judge, District Council Court being MCA Case No. 5 of 2017. The appellant though had entered appearance in the appeal, did not appear on the date fixed for arguments. The Judge, District Council Court then by the impugned order 4th October, 2018 revived the ad-interim injunction order dated 7th November, 2016 passed by the learned trial Court, made the same absolute and sent back the records with a direction that the parties appear on 9th October, 2018 before the trial court.

3) Being aggrieved by the exparte appellate order the petitioner is before this Court by way of the instant civil revision.

4) I have heard learned counsel for the parties.

5) Mr. H. Abraham, learned counsel for the petitioner submits that the order reviving the ad-interim injunction is irregular and illegal as the same was made exparte. According to the learned counsel notice was not properly served upon the petitioner due to the confusion in the name of the petitioner which in turn prevented him from contesting the case in a proper manner. However, in all fairness the learned counsel also submits that the revision application has been based entirely on the question of the wrong identity of the petitioner as the main ground to assail the impugned order. He lastly prays that the impugned order be set aside but also has an alternative prayer that he may be at least allowed to file a written statement to contest the suit on merits.

6) At this juncture, Mr. L. Shongwan, learned counsel for the respondent, informs the Court that on the last date fixed, the trial Court had allowed the petitioner to file written statement in spite of objections raised by the respondent. In view of this very fair statement by the learned counsel for the respondent, which is appreciated by this Court, nothing remains to be decided by this Court, coupled with the fact that



no other grounds have been made out for interference with the appellate order apart from the purported case of mistaken identity which is not supported by the records. Accordingly, this civil revision application is disposed of with a direction that the trial Court shall take up the matter in accordance with law and to dispose of the same as expeditiously as possible.

7) Disposed of, send back the records immediately.

JUDGE

Meghalaya
01.07.2019
"V. Lyndem PS"

