

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 304 of 2018

Date of Order: 31.10.2023

Shri. Diwan A. Sangma & Anr. Vs. **The Chief Executive Member,
GHADC.**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. E.B. Sangma, Adv.
Mr. S. Changkija, Adv.

For the Respondent(s) : Mr. S. Dey, Adv. for R 1 & 2.
Mr. S. Deb, Adv. for R 4.

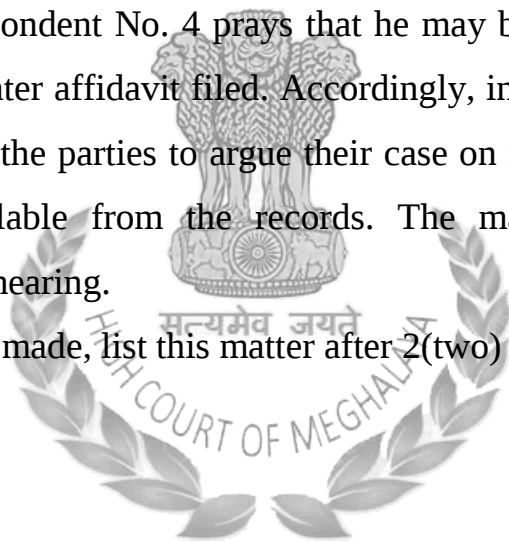
Mr. S. Deb, learned counsel for the respondent No. 4 has submitted that the counter affidavit has been filed in response to the petition filed by the petitioner, however, due to some defects in the counter affidavit, prayer is made before this Court to file an additional affidavit to correct such error, the same was accordingly filed, and in response thereto, the petitioner has filed the rejoinder affidavit.

Now, at this point of time, the learned counsel for the respondent No. 4 submits that he is under instruction to make a prayer before this Court to withdraw the counter affidavit as well as the additional affidavit and to file a fresh affidavit. The prayer made was strongly objected to by

the learned counsel for the petitioner, who has submitted that this matter is at the stage of hearing and the same has already been heard in part and to allow the respondent No. 4 to file their pleadings at this stage, would not be in the interest of justice as far as the petitioner is concerned, also considering the fact that this matter has been pending since the year 2018.

This Court, on consideration of the submission made, would agree with the learned counsel for the petitioner and would opine that at this point of time, the respondent No. 4 by her own action has not made out a case for filing of fresh affidavit, though, at this juncture, the learned counsel for the respondent No. 4 prays that he may be allowed to rely on the subsequent counter affidavit filed. Accordingly, in such circumstances, the matter is left to the parties to argue their case on merits and to rely on the pleadings available from the records. The matter shall therefore proceed for further hearing.

On prayer made, list this matter after 2(two) weeks.



Judge

Meghalaya

31.10.2023

"D. Nary, PS"