

CRP. No. 22/2016

**BEFORE  
THE HON'BLE MR. JUSTICE S.R.SEN**

19-08-2016

Heard Mr. L.Khyriem, learned counsel for the petitioner who submits that the petitioner filed a Title Suit before the learned court District Council, Shillong along with a Misc. Case for interim injunction. After hearing the parties, the learned District Council Court passed the interim injunction which was subsequently made absolute. Against that, the respondent approached the appellate court of the Judge, District Council Court who set aside the order of permanent injunction without considering the facts and circumstances of the case. Being aggrieved by the said order dated 14-07-2016 passed in Misc. Civil Appeal No. 6/2015, the petitioner approached this Court by way of this instant review petition.

On the other hand, Mr. K.Ch. Gautam, learned counsel for the respondent submits that there is nothing wrong in the order passed by the Judge, District Council Court dated 14-07-2016 as the respondent is in possession of the suit premises so the instant petition may be dismissed.

After hearing the submission advanced by the learned counsels for the parties and on perusal of the case record, it is not clear who is in possession at this stage. Thereafter, I am of the view that regarding the question of possession, it needs to be established only by way of evidence. Thus, the trial court of the District Council is hereby directed to expedite the title suit after taking and collecting evidence in accordance with law.

Accordingly, the impugned order dated 14-07-2016 passed in Misc. Civil Appeal No. 6/2015 is hereby set aside. However, parties are directed to maintain status quo as on today

and not to alter the characteristics or possession of the suit premises till the District Council Court comes to a final conclusion.

With this observation and direction, the instant petition is remanded back to the Court of District Council. Registry is directed to send a copy of this order to the trial court as well as Judge, District Council Court immediately.

No order as to costs.

**JUDGE**

S.Rynjah