

<u>Serial No. 1</u> <u>Supplementary</u> <u>List</u>

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP. No. 33 of 2018

Date of Order: 30.11.2018

Shri. Indrojit Paul Vs. Shri. Babita Tibrewalla & Anr.

Coram:

Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner(s)	:	Ms. A. Paul, Adv.
For the Respondent(s)	:	Mr. A. Khan, Adv.

1. Heard learned counsel for the petitioner who submits that the Title Suit No. 18 (H) 2007 came up day before yesterday i.e. 28.11.2018, but the matter was adjourned on the first half as learned counsel for the respondent submits that he had lost contact with his client. Unfortunately, the matter was dismissed without the knowledge of the petitioner in the second half and produce the certified copy of the order dated 28.11.2018 before this Court.

2. Learned counsel for the respondent is also present and admitted that he has lost contact with the respondent for the last one and half years, but inspite of the fact, he was regularly following the case and filing the haziras and since he has lost contact, he could not take part in the hearing i.e. 28.11.2018.

3. After hearing the submissions advanced by the learned counsel for the parties and after going through the order dated 28.11.2018 passed in Title Suit No. 18 (H) 2007, I find that the Court has not applied its mind and just dismissed the Title Suit whimsically. Therefore, I hereby set aside the order dated 28.11.2018 passed in Title Suit No. 18 (H) 2007.

4. Smti. R. Rymbai, Assistant District Judge, Shillong is hereby directed to issue notice to both the parties and thereafter to pass necessary judgment and order after hearing both the parties in accordance with law.

5. In the meantime, respondent is directed not to disturb the

possession of the petitioner till the matter is decided by the learned Court below.

6. With this observation and direction the petition is allowed and stands disposed of.

7. Registry is directed to send a copy of this order to the learned Assistant District Judge, Shillong for information and compliance.

(S.R. Sen)
Judge

Meghalaya
30.11.2018
"D. Nary, PS"

