

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRAPPL No. 1 of 2025 in
FA. No. 2 of 2022

Date of Order: 09.12.2025

Project Director, National
High Way Authority of India

$$V_S.$$

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Ms. P. Bhattacharjee, Adv.
Mr. F. Bareh, Adv.

For the Respondent(s) : Mr. S. Sen, GA. with
Ms. I. Lyngwa, GA.
Ms. Z.E. Nongkynrih, GA. for R 1 & 2.
Ms. M. Hazarika, Sr. Adv. with
Ms. S. Nehar, Adv.
Ms. M. Surong, Adv.
Mr. L.S. Aimol, Adv. for R 3 & 4.

ORDER

1. Heard Ms. P. Bhattacharjee, learned counsel/Special counsel for the National Highway Authority of India (NHAI), who has submitted that the Project Director, National Highway Authority of India (NHAI) has preferred this cross-appeal, being aggrieved by the impugned judgment and order dated 11.03.2020 passed by the Court of the learned Special Judicial Officer, Ri-Bhoi District, Nongpoh, wherein vide the said judgement and order, two reference cases, being LA Case No. 108/2015 and LA Case No. 109/2015

referred by the Collector, Ri-Bhoi District under Section 18 of the Land Acquisition Act were disposed of.

2. It is also the submission of the learned counsel that the said impugned judgment and order was appealed against by the claimant before this Court, being F.A. No. 2 of 2022, the Project Director, NHAI also being made party respondent to the said appeal.

3. However, the appellant herein being equally aggrieved by the said impugned judgment and order, particularly pertaining to LA Case No. 109/2015, one of the grounds being that the copy of the award by the Collector has not been forwarded to the Reference Court, has now approached this Court with this cross-appeal.

4. The learned counsel has further submitted that there are good grounds for appeal and as such, this appeal may be admitted and the parties may be heard on merits.

5. Ms. M. Hazarika, learned Senior counsel along with Ms. S. Newar learned counsel appearing for the respondent Nos. 3 & 4 has not raised any legal objection to the admission of this appeal, but has however touched on the merits of the case, to say that under Section 19 of the LA Act, 1894, the particulars of the award have been detailed as such when the Collector has referred the matter to the Reference Court, these particulars which are mostly mathematical calculations and computation, would be reflected in the relevant

communication. The learned Sr. counsel went on to submit that the appeal, that is, F.A. No. 2 of 2022 filed by this respondent may be proceeded to be finally heard, considering the fact that the NHAI is also one of the party respondents therein.

6. Mr. S. Sen learned GA appearing for the Collector/respondent Nos. 1 & 2 has also specifically not objected to the admission of this appeal, but has insisted that he would defend the action of the Collector as proper in law.

7. This Court on consideration of the submission made by the respective parties, would not go into the merits of the appeal at this stage. However, in this regard, the contention raised on the merits of the appeal need not be discussed.

8. The primary issue at this stage is whether this appeal or rather cross-appeal is to be admitted or not. Inter alia, one of the grounds raised in this appeal is the fact that the learned Special Judicial Officer has passed the judgment and order, sans the copy of the award before it.

9. Evidently, the appellant herein being one of the respondents in the proceedings before the learned Special Judicial Officer, on the judgment being passed, such respondent can approach the first appellate Court either by way of a cross-objection or even a cross-appeal as provided under Order 41 Rule 22 of the Code of Civil Procedure. This proposition of law has been explained

by the Supreme Court in the case of **Dheeraj Singh v. Greater Noida Industrial Development Authority and Ors**, reported in (2023) 19 SCC 214, wherein at para 12 and para 14 of the same, is found in the following:

“**12.** However, in cases where the decree given by the court of first instance, is partly in favour of the respondent, but is also partly against the respondent, two remedies within Order 41 Rule 22 remain with the respondent, which are (i) to file their cross-objections and, (ii) to support the decree in whole. A third remedy in law also exists, which is the right to file a cross-appeal, which will also be discussed in brief.

14. In a similar circumstance, where the other party in the first instance has preferred an appeal, apart from the remedy of cross-objections, the respondent can also file a cross-appeal within the limitation period so prescribed, which in essence is a separate appeal in itself, challenging part or whole of the original decree, independent of the appeal filed by the other party. The respondent also has the right to fully support the original decree passed by the lower court in full.”

10. Accordingly in the light of the above, this Court is persuaded to allow the admission of this cross-appeal.

11. The appeal is hereby admitted. No formal notice is required to be issued on the respondents herein as they have already entered appearance. The appeal will be heard on merits.

1.

Judge

Meghalaya
09.12.2025
“D. Nary, PS”