

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3310 OF 2020
(@ Special Leave Petition (C) No. 10941/2020)

CMJ FOUNDATION & ORS.

Appellant(s)

VERSUS

THE STATE OF MEGHALAYA & ORS.

Respondent(s)

O R D E R

Leave granted.

By an order dated 13.08.2018, this Court was of the view that the appeal pending before the High Court of Meghalaya should be transferred, with consent, to the Gauhati High Court for the reason that the Meghalaya High Court did not have, at that point of time, an available Division Bench to dispose of the appeal. By the impugned order dated 05.11.2019, the Division Bench of the Gauhati High Court did not deal with the judgment of the learned Single Judge on merits but instead held that since the Single Judge had not recorded the contentions of the respondent, the Single Judge's judgment ought to be set aside, and remanded the same to be disposed on merits afresh.

Having heard learned counsel for the parties, it is clear that the learned Single Judge's judgment dated 16.07.2015 is a detailed judgment which also referred to the learned Advocate General's contentions. This being so, we set aside the impugned judgment and allow the appeal.

Considering that a suitable Division Bench can be constituted to hear the appeal, this time in the Meghalaya High Court, we request the learned Chief Justice to place the appeal before such Division Bench for disposal on merits in accordance with the letter and spirit of our order dated 13.08.2018.

..... J.
(ROHINTON FALI NARIMAN)

..... J.
(NAVIN SINHA)

..... J.
(K.M. JOSEPH)

New Delhi;
September 28, 2020.

ITEM NO.7 Court 3 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10941/2020

(Arising out of impugned final judgment and order dated 05-11-2019
in WA No. 266/2018 passed by the Gauhati High Court)

CMJ FOUNDATION & ORS. Petitioner(s)

VERSUS

THE STATE OF MEGHALAYA & ORS. Respondent(s)

(IA No.90936/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 28-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Suryanarayana Singh, Sr. Adv.
Mr. Aman Preet Singh Rahi, Adv.
Ms. V.S.Lakshmi, Adv.
Mr. A.Venayagam Balan, AOR

For Respondent(s) Mr. Anupam Lal Das, Sr. Adv.
Mr. Philemon Nongbri, Adv.
Mr. A. Rohen Singh, Adv.
Mr. Ahanthem Henry, Adv.
Mr. Saurabh Chaudhary, Adv.
Ms. Anne Mathew, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)
COURT MASTER (NSH)

(Signed order is placed on the file)