

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 (Civil) No(s).11920/2010

(From the judgement and order dated 07/10/2009 in CRP No. 20/2009
of The HIGH COURT OF GUWAHATI ,ASSAM)

SRI PROSTAR TANGLIANG & ANR. Petitioner(s)

VERSUS

HEADMAN,DORBAR SHONG MYNTHING VIL.& ANR. Respondent(s)

(With office report)

Date: 12/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Jaideep Gupta,Sr.Adv.
 Mr. Upamanyu Hazarika,Adv.
 Mr. Satya Mitra,Adv.
 Mr. Dharity,Adv.
 Ms. Sumita Hazarika,Adv.

For Respondent(s) Mr. Manish Goswami,Adv.
(For respondent 2) M/S Map & Co.,Adv.

(for respondent 1&3) Mr. Devashish Bharuka,Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

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We accordingly allow this appeal by consent and
direct as follows:

(a) Suit No.1 of 2007 shall stand
transferred from the Village Court, Raliang
Elaka to the Court of Sub-ordinate District
Council Court, Jowai.

(b) Suit No.7 of 2007 and Suit No.10 of
2007(now Suit No.11/2009) shall continue on the
file of the Sub-ordinate District Council
Court, Jowai.

(C) All the three suits shall be proceeded with analogously. The evidence will be recorded independently and decisions will be rendered independently but on the same date.

(d) However, if the parties so agree, they can request the court to consolidate the three suits for convenience of common evidence and common judgment. It is made clear that the consent given by the parties for this order, shall not be construed as concession on the issue of maintainability or any other issue. All contentions are left open.

(e) In view of the above, the appellants shall withdraw Civil Revision Petition No.9/SH/2010 pending on the file of the Shillong Bench of Gauhati High Court.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4453 OF 2010
(Arising out of (Civil) No.11920/2010)

SRI PROSTAR TANGLIANG & ANR.

Appellant(s)

VERSUS

HEADMAN, DORBAR SHONG MYNTHING VIL. & ANR.

Respondent(s)

O R D E R

Leave granted. Heard learned counsel for the parties.

2. There are three suits pending in regard to the same property:

(i) Appellants have filed Title Suit No.1 of 2007 which is pending in the Village Court, Raliang Elaka-Railang.

(ii) Title Suit No.7 of 2007 filed by respondents 1 to 3 pending before the Sub-ordinate District Council Court, Jowai.

(iii) Title Suit No.10 of 2007 filed by the appellants in the Court of Assistant to Deputy Commissioner at Khliehriat, Jaintia Hills, District Meghalaya which is now transferred

by the impugned order of the High Court to the Court of the Sub-ordinate District Council Court, Jowai, and renumbered

as Suit No.11 of 2009.

3. To avoid different courts rendering different divergent decisions and to expedite the hearing of all the three suits, both sides agreed that all the three suits

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should be transferred and heard analogously by the Sub-ordinate District Council Court, Jowai. In view of it, the parties further agreed that the Transfer Petition filed by the appellants will be withdrawn and that they will also have no objection for Suit No.1 of 2007 being transferred from the Village Court, Raliang to the Sub-ordinate District Council Court, Jowai.

4. We accordingly allow this appeal by consent and direct as follows:

(a) Suit No.1 of 2007 shall stand transferred from the Village Court, Raliang Elaka to the Court of Sub-ordinate District Council Court, Jowai.

(b) Suit No.7 of 2007 and Suit No.10 of 2007(now Suit No.11/2009) shall continue on the file of the Sub-ordinate District Council Court, Jowai.

(C) All the three suits shall be proceeded with analogously. The evidence will be recorded independently and decisions will be rendered independently but on the same date.

(d) However, if the parties so agree, they can request the court to consolidate the three suits for convenience of common evidence and common judgment. It is made clear that the consent given by the parties for this order, shall not be construed as concession on the issue of maintainability or any other issue. All contentions are left open.

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(e) In view of the above, the appellants shall withdraw Civil Revision Petition No.9/SH/2010 pending on the file of the Shillong Bench of Gauhati High Court.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI ;
MAY 12, 2010

.....J.
[GYAN SUDHA MISRA]