



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No.30 of 2025	Date of Hearing	: 24.07.2026
	Date of Decision	: 02.09.2026

Jriang Singh Phanbuh (Since deceased)
Substituted by:

1. Shri Apshai Sing Nehlang Kharpuri,
Son of (L) Jriang Singh Phanbuh
Resident of Lachumiere, Shillong-
793001, East Khasi Hills District,
Meghalaya.
2. Smt. Buhphanglin Nehlang Kharpuri
Daughter of (L) Jriang Singh Phanbuh
Resident of Lachumiere, Shillong-
793001, East Khasi Hills District,
Meghalaya.
3. Shri Kyntonlang Nehlang Kharpuri,
Son of (L) Jriang Singh Phanbuh
Resident of Lachumiere, Shillong-
793001, East Khasi Hills District,
Meghalaya.
4. Shri Kindonlang Nehlang Kharpuri,
Son of (L) Jriang Singh Phanbuh
Resident of Lachumiere, Shillong-
793001, East Khasi Hills District,
Meghalaya

..... Petitioners

-VERSUS

1. Smti. Saihunlang Phanbuh
Daughter of (L) T.H. Rangad
Resident of Umsohsun, Shillong,



East Khasi Hills District, Meghalaya.

2. Smti. Jopsimon Phanbuh
Daughter of (L) T.H. Rangad
Resident of Umsohsun, Shillong,
East Khasi Hills District, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. P. Nongbri, Adv.
Ms. T. Stunga, Adv.

For the Respondent(s) : Mr. D. Thabah, Adv.

Judgment and Order

1. By this civil revision petition, the petitioners have challenged the order dated 10.11.2025 passed by the Judge, District Council Court, Shillong in Misc.Case No. 136 of 2024 arising out of Misc.Civil Appeal No. 9 of 2024 by which the prayer for condonation of delay of 215 days in preferring the appeal was allowed.

2. This case was heard along with CRP No. 31 of 2025 preferred against another order dated 10.11.2025 passed by the Judge, District Council Court, Shillong in Misc.Case No. 139 of 2024 arising out of Misc.Civil Appeal No. 10 of 2024 by which the prayer for condonation of delay of 294 days in preferring the appeal against the order dated 09.06.2023 of the Trial Court was allowed.

3. The brief facts of the case are that the respondents as plaintiffs instituted Title Suit No. 10 of 2022 against the father of the petitioners (now deceased) in the Court of the Subordinate District Council Court, Shillong praying *inter alia* for dpeclaration of right, title and interest over a plot of land known as



Wahlakhiat situated at Nongkhlaw Syiemship, Eastern West Khasi Hills District. The said title suit was presented along with an application for grant of injunction registered as Misc.Case No. 51 of 2022. The petitioners contested the suit and filed their written statement and show-cause. The learned Trial Court by order dated 09.06.2023 disposed of the injunction application by directing the parties to maintain *status quo*. Subsequently, the petitioners filed Misc.Case No. 119 of 2023 and Application No. 52 of 2024 alleging violation of *status quo* by the respondents. The learned Trial Court vide orders dated 30.01.2024 and 09.01.2024 (sic 09.02.2024) directed the respondents to strictly maintain *status quo* and to file show-cause to the allegation of violation made in the applications. It is only after that, on 03.09.2024 respondents filed Misc.Civil Appeal No. 9 of 2024 before the Judge, District Council Court, Shillong challenging the order dated 30.01.2024. The appeal was accompanied by an application for condonation of delay of 215 days registered as Misc.Case No. 136 of 2024. The petitioners filed their objection against the prayer for condonation of delay. The learned Appellate Court after hearing the parties by impugned order dated 10.11.2025 condoned the delay. Being aggrieved, the petitioners have filed this instant civil revision petition against the impugned order dated 10.11.2025 passed in Misc.Case No. 136 of 2024.

4. Assailing the impugned order, Mr. P. Nongbri, learned counsel for the petitioners submits that the learned Appellate Court erred in condoning the delay without there being any cogent or satisfactory explanation by the respondents. He submits that the learned Appellate Court condoned the delay on the ground that the respondents should not be punished for the fault of their lawyer without properly examining the materials on record and the reasons and justifications shown by the respondents. He submits that inability, carelessness and negligence of the lawyer cannot be a ground to condone long and inordinate delay as a litigant is duty bound to remain vigilant and careful



about his rights. He supports the contention by placing reliance on *Rajneesh Kumar & Anr. V. Ved Prakash*, (2024) 12 SCC 336. He submits that though the learned Appellate Court apparently acted on the basis of some medical certificates concerning the lawyer of the respondents, the same were not scrutinized by the Court to find out the extent of ailment and the period of suffering. Further, by relying on the propositions of law laid down in *Shivamma (Dead) by Lrs. V. Karnataka Housing Board and Others*, (2025) SCC OnLine SC 1969, the learned counsel submits that the Appellate Court could not have allowed the prayer for condonation of delay in absence of any explanation by the respondents as to why the appeal could not be preferred within the stipulated period of 60 days as the law requires that delay in the filing has to be explained for both the prescribed period of limitation as well as the period after the expiry of limitation.

5. The learned counsel next submits that the learned Appellate Court failed to appreciate that there was no ground to demonstrate that the delay was unavoidable or beyond the control of the respondents and proceeded mechanically to condone delay of 294 days while the prayer was for condonation of delay of 215 days. He further submits that the plea of the respondents that their advocate was unwell is far from truth as the relevant order sheet reveals that they were present through their appointed counsel before the Trial Court on several dates after passing of the impugned order dated 30.01.2024 and took part in the proceedings from 16.02.2024 onwards till 03.09.2024. Even a list of witnesses, he contends, was filed on 07.06.2024 by the appointed advocate of the respondents before the Trial Court. He submits that when it is apparent that there was a gross negligence on the part of the respondents to present the appeal in time, prayer for condonation of delay could not have been granted. He, thus, submits that the impugned order is not tenable in the eye of law and liable to be set aside and quashed. In support of his contention, he places reliance on the decisions of *Majji*



Sannemma Alias Sanyasirao V. Reddy Sridevi and other, (2021) 18 SCC 384, Pathapati Subba Reddy (died) by Legal Representatives and others V. Special Duty Collector, (2024) 12 SCC 336 and Postmaster General and Others V. Living Media India Limited and Another, (2012) 3 SCC 563.

6. On the other hand, Mr. D. Thabah, learned counsel appearing for the respondents, supports the impugned order and submits that there is no illegality or infirmity in the decision of the Appellate Court. He submits that condonation of delay in filing appeal is a matter of discretionary power of the concerned Court and exercise of such discretion requires no interference unless found to be perverse or suffers from jurisdictional error. He submits that the respondents had appointed an advocate to look after their case and was totally dependent on the advocate as they were not acquainted with the complexities of law. The delay in preferring the appeal, he submits, was due to illness of the advocate of the respondents and it is a settled law that inaction or inability of the lawyer should not make a party suffer. He supports the contention by placing reliance on the decision of *Rafiq & anr. V. Munshilal & anr., (1981) 2 SCC 788*. He submits that the contention of the petitioners that the counsel for the respondents appeared before the Trial Court after the passing of the impugned order is not supported by any pleadings and hence requires no consideration by this Court. He submits that the plea of sickness of the advocate was well supported by production of the medical prescriptions dated 19.02.2024, 16.03.2024 and 27.07.2024 and, hence, constituted sufficient ground for condoning the delay.

7. The learned counsel for the respondents further submits that the impugned order is a reasoned order passed after application of judicious mind and, as such, cannot be termed as a casual order. He submits that the juniors of the appointed advocate of the respondents appeared before the Trial Court and the list of witnesses submitted before the Court on 07.06.2024 was only signed by the appointed advocate. He submits that the appeal was filed on



03.09.2024 immediately after the advocate had a little recovery from illness without any further delay. He submits that the prayer for condonation of delay requires liberal approach by courts and supports his contention by placing reliance on the decisions of *Collector, Land Acquisition, Anantnag & anr. V. Mst. Kataji & ors.*, (1987) 2 SCC 107 and *National Insurance Co. Ltd. V. Giga Ram*, (2002) 10 SCC 176. By referring to Section 12(2) of The Limitation Act, 1963 and the decision of the Apex Court in the case of *Mukesh Ramdevji Agarwal & anr. V. Balmukund Dhruvanarayan Lohiya (HUF) & ors.*, SLP (C) No. 24862/2019, he submits that time required for obtaining certified copy is excluded and the Courts are obliged to compute the limitation on the basis of the endorsement contained in the certified copy. He submits that mention of 294 days instead of 215 days in the impugned order is a typographical error as the Appellate Court was dealing with another matter involving condonation of delay which is subject matter of challenge in CRP No. 31 of 2025 before this Court. Such typographical error, according to him, can be corrected u/s 152 CPC and has no bearing on the merits of the decision rendered. He, therefore, submits that there is no merit in the present revision petition and the same is liable to be dismissed.

8. Upon hearing the submissions of the rival parties and on perusal of the materials on record, it is clear that the order dated 09.06.2023 was passed by the Subordinate District Council Court, Shillong in Misc.Case No. 15 of 2022 filed by the respondents seeking grant of injunction against the petitioners. Although, the order dated 09.06.2023 was passed directing the parties to maintain *status quo*, no immediate appeal was preferred against the order by any of the parties including the respondents.

9. Afterwards, the petitioners herein filed Misc.Case No. 119 of 2023 on 06.12.2023 and Application No. 52 of 2024 on 30.01.2024 before the Trial Court alleging violation of the *status quo* order dated 09.06.2023 by the respondents. The learned Trial Court by orders dated 30.01.2024 and



09.01.2024 (sic 09.02.2024) directed the respondents to strictly maintain *status quo* and to file show-cause against the allegation of violation of *status quo*. Although, the record of the Trial Court is not available before this Court, the submission of the learned counsel for the petitioners that the respondents appeared before the Trial Court after passing of the impugned order dated 30.01.2024 and took part in the proceedings on different dates from 16.02.2024 onwards till 03.09.2024 has not been disputed by the learned counsel for the respondents. The only contention raised on behalf of the respondents in this regard is that the junior of the appointed counsel of the respondents appeared before the Trial Court and the list of witnesses submitted on 07.06.2024 was only signed by the appointed counsel. Be that as it may, since the respondents were represented before the Trial Court after passing of the impugned order dated 30.01.2024, it cannot be said that the respondents had no knowledge of the order.

10. In the above backdrop, it was necessary on the part of the learned Appellate Court to judge the veracity of the plea of illness/inability of the lawyer of the respondents and to scrutinize the medical certificates submitted in support of the plea. Nevertheless, the learned Appellate Court in the impugned order held that no doubt there were lapses on the part of the respondents' counsel, however, the reason of delay based upon the sickness of the respondents' counsel should not be totally ignored. Further, the Court was of the opinion that the respondents had appointed the counsel to handle their case, so it was the duty of the counsel to inform the client about the steps and status of the case. On the basis of the above observation, the prayer for condonation of delay was allowed.

11. The Apex Court in the case of *Rafiq & anr. (supra)* while dealing with a matter where an application sworn on 29.10.1980 was not presented to the Court till 12.11.1980 without satisfactory explanation, held that contesting parties should not suffer for lapses on the part of their counsel. However, in



the case of *Rajneesh Kumar and Another (supra)* at paragraph 10 it was observed: -

“It appears that the entire blame has been thrown on the head of the advocate who was appearing for the petitioners in the trial court. We have noticed over a period of time a tendency on the part of the litigants to blame their lawyers of negligence and carelessness in attending the proceedings before the court. Even if we assume for a moment that the concerned lawyer was careless or negligent, this, by itself, cannot be a ground to condone long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and is expected to be equally vigilant about the judicial proceedings pending in the court initiated at his instance. The litigant, therefore, should not be permitted to throw the entire blame on the head of the advocate and thereby disown him at any time and seek relief.”

What appears from the above is that the period of delay is a relevant factor for consideration of prayer for condonation of delay on the ground of inability, lapses or inaction on the part of the lawyer of the party. Inability of lawyer, by itself, cannot be a ground for condoning long and inordinate delay as the litigant owes a duty to be vigilant of his own rights and the judicial proceedings initiated at his instance.

12. In the present case, the delay is not for a period for few days. The delay is for a period of 215 days i.e. about 7 (seven) months. Thus, condonation of delay for the entire period by the learned Appellate Court without taking into consideration the record of the Trial Court was not proper. It is not a case where a plea was raised that the respondents were simple ignorant villagers or uneducated having no knowledge of the court's procedure. Therefore, the respondents had a duty to be vigilant of their own rights and were expected to be equally vigilant about the order passed in the title suit and the connected miscellaneous applications initiated at their instance. Putting the entire blame on the advocate and trying to make it out as if the respondents were totally unaware of the nature or significance of the order passed is a theory which cannot be accepted and ought not to have been accepted. The Apex Court in



Salil Dutta V. T.M. & M.C. Private Ltd., (1993) 2 SCC 185, held that the observation made in *Rafiq & anr. (supra)* must not be understood as an absolute proposition.

13. The decision of the Apex Court in the case of *Collector, Land Acquisition, Anantnag & anr. (supra)* wherein it was observed that courts should adopt a liberal and justice-oriented approach was rendered in the context of condonation of delay of only 4 days in filing the appeal. Whereas, in the case of *Shivamma (Dead) by Lrs. (supra)*, the Apex Court observed as under: -

“126. Courts must not condone gross negligence, deliberate inaction, or casual indifference, for to do so would undermine the maxim interest reipublicae ut sit finis litium and destabilise the certainty that limitation law seeks to secure.

127. The expression “sufficient cause” must be construed in a manner that advances substantial justice while preserving the discipline of limitation. The courts are not to be swayed by sympathy or technical rigidity, but rather by a judicious appraisal of whether the applicant acted with reasonable diligence in pursuing the remedy. Where explanation is bona fide, plausible, and consistent with ordinary human conduct, courts have leaned toward condonation. Where negligence, want of good faith, or a causal approach is discernible, condonation has been refused.”

In the same case, the Hon’ble Supreme Court while observing that length of the delay may be instructive but not determinative held: -

“132. This is not to say that the length of delay is irrelevant. A long delay naturally casts a heavier burden on the applicant to furnish cogent, credible, and convincing explanations. The proof required becomes stricter in proportion to the delay. The longer the time elapsed, the stronger the justification that must be put forth. Hence, length is instructive in determining the degree of scrutiny, but it is not determinative of the outcome.”

14. Coming to the matter in hand, as has been observed above, it appears that the respondents did not raise any grievance against the order dated



09.06.2023 and the impugned order dated 30.01.2024 immediately after passing of the orders and were taking part in the day-to-day proceedings of the Title Suit No. 10 of 2022 and the connected Miscellaneous Applications. It was only on 03.09.2024 the respondents preferred two separate appeals against the orders dated 09.06.2023 and 30.01.2024 along with the applications for condonation of delay. The only ground cited in the application for condonation of delay was that the counsel for the respondents was not keeping well as his previous ailment had relapsed and that the respondents should not suffer for the fault of their counsel. The learned Appellate Court also appears to have accepted the plea of the respondents without looking into the records of the Trial Court and without taking notice of the fact that a list of witnesses came to be filed under the signature of the appointed advocate of the respondents on 07.06.2024 before the Trial Court. Furthermore, there is nothing on record to show that the respondents' counsel was bedridden or was totally incapacitated because of his ailment during the period of delay. Hence, the approach of the learned Appellate Court in allowing the prayer for condonation of delay was not proper.

15. Furthermore, the law laid down in the decision of *Shivamma (Dead) by Lrs. (supra)*, requires that in case of delay in filing of an appeal or application, explanation has to be given for the prescribed period of limitation as well as the period after the expiry of limitation, up to the date of actual filing. The relevant part of the decision reads as under: -

“40. As such, under section 5 of the Limitation Act, for the purpose of seeking condonation of delay in filing of an appeal or application, as the case may be, beyond the stipulated period of limitation, the delay in the filing has to be explained by demonstrating the existence of a “sufficient cause” that resulted in such delay for both the prescribed period of limitation as-well as the period after the expiry of limitation, up to actual date of filing of such appeal or application, as the case may be, or to put it simply, explanation has to be given for the entire duration from the date when the clock of limitation began to tick, up until the date of actual filing, for



seeking condonation of delay by recourse to Section 5 of the Limitation Act.”

16. It is undisputed that the respondents in their application seeking condonation of delay did not assign any reason for not preferring the appeal within the stipulated time prescribed by law. No explanation was also offered in the argument made on their behalf as to what prevented the respondents from filing the appeal within the period prescribed by law. In absence of such explanation, it was not appropriate for the learned Appellate Court to condone the delay for a period of almost 7 (seven) months. Hence, the impugned order cannot be rendered valid in the eye of law.

17. That apart, in absence of any assertion that the respondents are uneducated simple villagers, the conduct of the respondents in remaining silent for about 7 (seven) months projects gross negligence, deliberate inaction and casual indifference, more particularly, because of the fact that the Title Suit No. 10 of 2022 was instituted by them and the *status quo* order dated 09.06.2023 in Misc.Case No.51 of 2022 was passed at their instance.

18. In the view of the discussions made above, the impugned order dated 10.11.2025 passed in Misc.Case No. 136 of 2024 cannot be sustainable in law and is hereby set aside and quashed. Resultantly, the Misc.Civil Appeal No. 9 of 2024 pending before the Judge, District Council Court, Shillong also stands quashed.

19. The revision petition stands allowed.

Judge

Meghalaya
02.09.2026
“Abhinandan,PS”