

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10222 OF 2010
(Arising out of SLP(C) No.27346/2008)

ANIMA TAYING

Appellant(s)

:VERSUS:

KALIRAM REGON & ANR.

Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel for the parties. We have also perused the impugned judgment dated 1.8.2008 passed by the Gauhati High Court (Itanagar Bench) in M.F.A. No.2(AP) of 2007, judgment and order dated 30.4.2007 passed by the Fast Track Court, Basar in Title Suit No.41 of 2006, orders dated 24.3.1995 and 4.2.1993 passed by the Deputy Commissioner, Pasighat and the Kebang decisions dated 23.5.1992 and 19.12.1991 passed in HT 1/92 & HT 159/91 respectively.

On consideration of the totality of the facts and circumstances of this case, we are of the considered view that in the interest of justice, it is imperative that all the aforementioned judgments

and orders are set aside and the matter is remitted to the Deputy Commissioner, Pasighat/Fast Track Court to decide afresh the entire controversy between the parties. Accordingly, we direct that Title Suit No.41 of 2006 shall be revived and the same shall be decided afresh after considering the evidence to be adduced by the parties.

During the pendency of the matter, the parties are directed to maintain status quo as of today.

The parties would be at liberty to adduce evidence and file additional documents, if any, within two months from today. Respondent No.1 shall not be entitled to take the plea of res judicata.

With the aforementioned observation and direction, this appeal is disposed of.

.....J
(DALVEER BHANDARI)

.....J
(H.L. GOKHALE)

New Delhi;
December 2, 2010.