



14.11.2025 passed in Civil Revision Petition No. 1 of 2024 by the Judge, District Council Court, Khasi Hills, Shillong is the subject matter of challenge in this instant Revision Petition.

2. Heard Mr. V.G.K. Kynta, learned Senior counsel assisted by Ms. C. Nongkhlaw, learned counsel appearing for the petitioner and Mr. C.C.T. Sangma, learned counsel appearing for the respondents.

3. The relevant fact necessary for adjudication of this matter is that pursuant to the Judgment and Order dated 09.06.2023 passed in WA No. 5 of 2023, the petitioner herein instituted Title Suit No. 30 of 2023 before the Subordinate District Council Court, Shillong for declaration of right, title, interest, confirmation of possession and permanent injunction in respect of a property known as Madan Iewrynghep. The said title suit was accompanied by an application under Order 39 Rule 1 and 2 r/w Section 151 of the Code of Civil Procedure, 1908(in short CPC) for grant of ad-interim/temporary injunction registered as Misc Case No.77 of 2023. The learned Trial Court after hearing the parties, at the *interim*, vide order dated 09.11.2023 while directing maintenance of *status quo* by both the parties, passed certain other directions. It appears that none of the parties made any immediate challenge to the said order dated 09.11.2023. The petitioner, thereafter, filed three applications alleging disobedience of the *interim* order, whereupon, the Trial Court passed two orders on 04.03.2024 and 26.03.2024 ordering strict compliance of the *interim* order. It is only after that, the respondents herein filed Civil Revision Petition No. 1 of 2024 before the Judge, District Council Court, challenging the order dated 09.11.2023 under Rule 31 (2) of the Khasi Hills Autonomous District (Administration of Justice) Rules, 1953. The petitioner questioned the maintainability of the civil revision petition before the District Council Court by filing an application. The learned Judge, District Council Court, after hearing the parties by the impugned order dated 14.11.2025 rejected the plea of maintainability and proceeded to decide the



civil revision petition on merits against the petitioner. Being aggrieved, the petitioner has preferred the present revision petition before this Court.

4. Assailing the impugned order dated 14.11.2025, the learned Senior counsel for the petitioner submits that the learned Judge, District Council Court has travelled beyond his jurisdiction to entertain the civil revision petition filed by the respondent. According to him, Rule 31 (2) of the Khasi Hills Autonomous District (Administration of Justice) Rules, 1953 does not confer any revisional jurisdiction on the District Council Court in civil matters. He submits that the above rule confers revisional jurisdiction on the District Council Court only in criminal matters. It is also argued by the learned Senior Counsel that the learned Judge, District Council Court has erred in deciding the entire matter on merits while dealing only with the question of maintainability as no hearing was conducted touching the factual aspect of the case. He further submits that the order dated 09.11.2023, being an injunction order passed under Order 39 Rule 1 and 2, was an appealable order in terms of Order 43 Rule 1(r) CPC and hence, there was no lawful occasion on the part of the District Council Court to exercise its revisional jurisdiction. He submits that the impugned order, having been passed without any lawful authority, is not sustainable in law and prays that the same may be set aside quashed.

5. The learned counsel for the respondent, on the other hand, supports the impugned order and submits that the learned Judge, District Council Court was very much within his jurisdiction to pass the impugned order. He submits that Rule 31 (2) empowers the District Council Court to call for the records from the Subordinate District Council Court and examine the records and cancel or modify any finding passed by such court. He submits that Rule 31 (2) confers a general power of revision on the District Council Court in both civil and criminal cases and hence, the order dated 14.11.2025 cannot be said to have been passed without jurisdiction. He contends that use of the word



“finding” in the Rule implies inclusion of both civil and criminal subjects. He, therefore, submits that there is no illegality or infirmity in the impugned order and the instant Revision Petition, being devoid of merit, is liable to be dismissed.

6. Upon hearing the learned counsels for the parties, it appears that the primary question involved in the instant matter is whether Rule 31 (2) of the Khasi Hills Autonomous District (Administration of Justice) Rules, 1953 confers any supervisory or revisional jurisdiction on the District Council Court in civil matters. A reference to the Rule is therefore necessary. Rule 31 (2) reads as follows: -

“The District Council may call for and examine the records of any proceedings of a Subordinate District Council Court, an Additional Subordinate District Court, or Village Court and may enhance, reduce, cancel or modify any sentence or finding passed by such Court or remand the case of re-trial.”

7. A plain reading of the rule does not indicate that it confers any supervisory or revisional jurisdiction on the District Council Court in civil matters. If the words used in the Rule are given their ordinary and natural meaning, the outcome gives no indication of conferment of any revisional power in civil matters. The language of the Rule specifically mentions of “enhance, reduce, cancel or modify any sentence or finding passed” which sounds criminal in nature. Therefore, it cannot be said that the Rule provides the District Council Court with a general revisional power over all proceedings including civil matters. Where particular words are followed by a general word, then the general word should not be construed in its widest sense but should be held as applied to objects or things or the same general nature or class as those are specifically enumerated, unless there is a clear manifestation of a different purpose. In other words, general words following specific words belong to the same class.



8. A rule, provision or statute that primarily confers revisional jurisdiction in criminal matters cannot, as a general rule, be invoked to file civil cases. Revisional jurisdiction is strictly divided based on the nature of the proceeding. Criminal revision is mainly governed by Section 397 Cr.PC. (reframed as Section 438 BNSS) which confers jurisdiction on both the High Court and the Sessions Court. On the other hand, civil revision is governed by Section 115 CPC which confers jurisdiction only on the High Court. Rule 47 of the Khasi Hills Autonomous District (Administration of Justice) Rules, 1953 stipulates that in all cases not covered by recognised customary laws or usages of the district, the procedure of the District Council Court or the Additional Subordinate District Council Court shall be guided by the spirit of the Code of Civil Procedure, 1908.

9. It is evident that Rule 31(2) empowers the District Council Court to call for and examine the records and enhance, reduce, cancel or modify any sentence or finding passed by the courts mentioned therein or remand the case for re-trial by extending its revisional jurisdiction in criminal matters. The relevant words used in the rule i.e. “enhance, reduce, cancel or modify any sentence or finding” carry common specific theme. It is, therefore, clear that the context of the word “finding” is limited by the words which precede it. The language used in the rule does not indicate that it is composed of two parts, one for the criminal cases, and other, for the civil cases. There is also nothing in the text of Rule 31(2) indicating merger of revisional power conferred therein with civil proceeding. The general word is not to be interpreted too broadly to ensure that the rule is applied according to the original intent. Hence, there remains no iota of doubt that Rule 31(2) does not bestow any revisional jurisdiction on the District Council Court in civil cases.

10. In addition to the above, in the instant matter, there is no dispute to the fact that the order dated 09.11.2023 was passed by the learned Trial Court on an application under Order 39 Rule 1 and 2 read with section 151 CPC. The



order, as such, was appealable under Order 43 Rule 1(r) CPC. No revision application against the said order was maintainable in view of the application of the spirit of CPC in terms of Rule 47 of the Khasi Hills Autonomous District (Administration of Justice) Rules, 1953. The Judge, District Council Court, therefore, was utterly wrong in entertaining the revision application filed by the respondents.

11. The learned Senior Counsel for the petitioner in his argument has placed reliance on number of case laws mainly to stress on the point that when remedy of appeal is available under law, no revision petition can be entertained. However, no detailed discussion on the case laws is deemed necessary in view of the observations made hereinabove.

12. For what has been discussed above, this revision petition succeeds. Resultantly, the impugned order dated 14.11.2025 passed by the Judge, District Council Court in Civil Revision Petition No. 1 of 2024 is set aside and quashed.

13. This court has not gone into the merits of the respective claims of the parties and the same is left open for consideration. It is also made clear that the passing of this order shall not disentitle the respondents to challenge the order dated 09.11.2023 in accordance with law, if so advised.

14. With the above, this revision petition stands allowed. No costs.

Judge

Meghalaya
25.03.2026
"Ahinandan,PS"