

IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT, AIZAWL MIZORAM

Money Suit No.40/2010

NG.Lalthianghlina
S/o NG.Thangluaia
R/o Zohnuai, Lunglei

.....Plaintiff.

-Versus-

1. Zorinpuii
W/o Y.Mahendr Singh (L)
R/o Zohnuai, Lunglei.
2. Mr.Y.S.Singh
Teacher, Govt. Sialsuk High School
R/o House No.136/4 RTP Building
Tuikual South, Aizawl.
3. R.Thangchhinga, Cashier
SDEO Office,
Lunglei, Mizoram.
4. Mr.T.Chitemo Murry
Managing Director, Murry Group of Industry
Shiva GOI That, Panjabari Road,
Guwahati – 784037.

BEFORE

R.VANLALENA, Senior Civil Judge-II

For the Plaintiff : Rualkhuma Hmar & Ors, Advocates.
For the Defendants: S.N.Meitei, Advocate.
Date of Judgement: 10.1.2012

JUDGEMENT

10.1.2012

Plaintiff and his counsel absents without step even after summons duly served on them.

Defendants and their ld. Counsel Shri S.N.Meitei present.

Today is fixed for preliminary hearing of the case on its maintainability issue.

The facts of the case as alleged by the plaintiff in his plaint is that he has lend out Rs.2,21,000/- (Rupees tow lakhs, twenty one thousand) only to Mr.Y.Mahendra Singh who is brother of the present defendant no.2 on 22.4.2008 for working capital for construction of two Towers of Reliance Company. Unfortunately, the said Y.Mahendra Singh died on 12.10.2008 before he could repay the said loan (deft). Hence the plaintiff instituted the present suit against wife and brother of the deceased.

I have heard the ld. Counsel for the defendant Shri S.N.Meitei who submitted that the plaintiff is the resident of Lunglei District, Lunglei and the defendant No.1 i.e. wife of the deceased Y.Mahendra Singh is also a resident of Lunglei District. In spite of the territorial jurisdiction being under Lunglei court, the present suit is instituted in Aizawl court, hence liable to be dismissed as this

court has no jurisdiction to try the present suit. He further submitted that the plaintiff and his ld. Counsel absents on this day when the suit is called on for hearing even after notice had been duly served on the plaintiff. On this ground alone, the suit may be dismissed on default of the plaintiff.

I have considered the submissions. I have also perused materials available on record. This court has come to a conclusion to dismiss the present suit as provided by Rule 8, Order IX of Civil Procedure Code, 1908 on the ground that the plaintiff failed to appear in court on a day when the suit is called on for hearing even after summons had been duly served upon him. Besides this, the present suit is liable to be dismissed as this court has no jurisdiction to try this suit which falls under the jurisdiction of Lunglei court as the plaintiff and defendants no.1 & 3 are residents of Lunglei District.

On the above, results the present case stands dismissed.

Give copy of this order to parties.

Sd/-R.VANLAENA

Senior Civil Judge – II

Aizawl District : Aizawl.

Memo No. 15/SCJ-I I(A)/2012: Dated Aizawl the 10th January, 2012.

Copy to:

1. NG.Lalthianghlina, S/o NG.Thangluaia, R/o Zohnuai, Lunglei
2. Zorinpuii, W/o Y.Mahendr Singh (L), R/o Zohnuai, Lunglei.
3. Mr.Y.S.Singh, Teacher, Govt. Sialsuk High School, R/o House No.136/4 RTP Building, Tuikual South, Aizawl.
4. R.Thangchhinga, Cashier, SDEO Office, Lunglei, Mizoram.
5. Mr.T.Chitemo Murry, Managing Director, Murry Group of Industry Shiva GOI That, Panjabari Road, Guwahati – 784037.
6. Shri Rualkhuma Hmar, Advocate concerned.
7. Shri S.N.Meitei, Advocate concerned.
8. Registry Section.
9. Case record.

PESHKAR

