

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

MCWP(C)) No. 142 of 2021

Ref:- WP(C) No. 2002 of 2001

1. Thingujam (N) Ngangom (O) Nalini Devi, aged about 65 years, W/o (L) Ng. Ibomcha Singh, resident of Sagolband Moirang Leirak, P.O. Imphal, P.S. & District Imphal West, Manipur-795001,
2. Ng. Rojita Devi, aged about 43 years, D/o (L) Ng. Ibomcha Singh, W/o Y. Anand Singh, resident of Wangkhei Khunou, P.O. & P.S. Porompat, Imphal East District, Manipur-795005,
3. Ng. Thaba Devi, aged about 41 years, D/o (L) Ng. Ibomcha Singh, W/o H. Anand Singh, resident of Yaiskul Hiruhanba, P.O. Imphal, P.S. Imphal, Imphal West District, Manipur-795001,
4. Ngangom Dhanachandra Singh, aged about 38 years, S/o (L) Ng. Ibomcha Singh, resident of Sagolband Moirang Leirak, P.O. Imphal, P.S. & District Imphal West, Manipur-795001,
5. Ng. Dhanapati Devi, aged about 35 years, D/o (L) Ng. Ibomcha Singh, W/o Hijam Bobby Singh, resident of Patsoi Part-IV, P.O.& P.S. Patsoi, Imphal West District, Manipur-795113,
6. Ng. Abe Devi, aged about 32 years, D/o (L) Ng. Ibomcha Singh, W/o Sanasam Gunindro Singh, resident of Kha-Potshangbam P.O. & P.S. Bishnupur, Bishnupur District, Manipur-795126,

... .. **APPLICANTS.**

-VERSUS-

1. The Secretary (Revenue) to the Govt. of Manipur, Secretariat, Imphal,
2. The Under Secretary (Revenue) to the Govt. of Manipur, Secretariat, Imphal,
3. The State of Manipur, -through the Commissioner/Secretary (Revenue), Govt. of Manipur, Imphal,
4. Smt. Naorem Ongbi Ibemhal alias Leimahal Devi, aged about 75 years, Daughter of Late Ngangom Ngangom Tomba Singh and wife of Naorem Bhubon Singh, resident of Uripok Polem Leikai, P.S. & P.O. Imphal, also sometimes residing at Phumlou Awang Leikai, P.S. & P.O. Lamshang, both in District Imphal West, Manipur-795001,

.... RESPONDENTS.

5. Smt R.K. Ibemhal Devi (alias R.K. Lembisana Devi), aged about 71 years, Wife of Late Ngangom Tomba Singh, resident of Sagolband Moirangmayum Leirak, P.S & P.O. Imphal, P.S. & District Imphal West, Manipur-795001, died on 22-04-2005, represented by her legal heirs,
 - 1) Ngangom Ibochou Singh, S/o of Late R.K. Ibemhal Devi, aged about 70 years resident of Sagolband Moirangmayum Leirak, P.S & P.O. Imphal, P.S. & District Imphal West, Manipur-795001.

.... PROFORMA RESPONDENT.

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE M.V. MURALIDARAN

For the applicants :: Mr. A. Golly, Adv
.
For the Respondents :: Mr. HS Paonam, Sr. Adv
 Mr. N. Bipin, Adv.
 Mr. Sh. Shyam Sharma, GA
Date of Hearing and
reserving Judgment & Order :: 11.08.2023
Date of Judgment & Order :: **05.09.2023**

JUDGMENT AND ORDER
(CAV)

Heard Mr. A. Golly, learned counsel for the applicants; Mr. Sh. Shyam Sharma, the learned Government Advocate for the respondent State and Mr. HS Paonam, the learned senior counsel for the private respondent.

2. This miscellaneous case has been filed by the applicants to implead them as legal heirs of the deceased second petitioner by condoning the delay in making such application in the backdrop of the grounds and peculiar facts of the present case.

3. Mr. A. Golly, the learned counsel for the applicants submitted that on 15.4.2021, just after re-opening of the physical Court hearing of this Court due to Covid-19 pandemic, the applicants and the first writ petitioner were informed by the counsel about the listing of the writ petition as item Nos.25 and

26 in Court Hall No.4 without showing any names of their counsels. The applicants and the first writ petitioner were advised to engage a new counsel of their choice as their former senior counsel was elevated as Additional Judge of this Court.

4. The learned counsel further submitted that the applicants and the first writ petitioner orally instructed the present counsel to represent them in the writ petition as their counsel, for which necessary vakalatnama may be filed in due course. It is submitted that the applicants and the first writ petitioner for the first time informed the present counsel about the death of the second writ petitioner on 4.7.2018 after a brief illness. Accordingly, on 15.4.2021, the present counsel sought time to file necessary fresh vakalatnama and also application to bring on record the legal heirs of the deceased second writ petitioner. Accepting the prayer of the applicants, this Court adjourned the matter to 4.5.2021.

5. The learned counsel further submitted that due to ignorance of law as well as due to their bonafide and inadvertent mistake they have never informed their earlier counsel about the death of the second petitioner on 4.7.2018 except informing the present counsel on 15.4.2021. As soon as the present counsel advised the applicants to implead themselves as legal heirs of

the deceased second petitioner, the applicants have filed the present application. If there is any delay in making the present application, the same may kindly be condoned in the backdrop of the grounds and peculiar facts and circumstances of the present case. If they are not allowed to be impleaded as legal heirs of the deceased second petitioner, the applicants would be put to irreparable loss and injury. Thus, a prayer has been made to allow M.C.No.142 of 2021.

6. This Court also heard the submissions of the learned Government Advocate for the respondent State and also the submissions of the learned senior counsel for the other private respondent.

7. It is the case of the applicants that on 15.4.2021, the present counsel informed about the listing of the case and the applicants and the first writ petitioner instructed the present counsel to appear on behalf of them. It is pleaded by the applicants that for the first time they have informed the present counsel about the death of the second writ petitioner on 15.4.2021. Accordingly, the present counsel sought time to file vakalatnama and to file application to bring on record the legal heirs of the deceased second writ petitioner. According to the applicants, due to bonafide and inadvertent mistake, they have

never informed their earlier counsel about the death of the second petitioner on 4.7.2018 except informing the present counsel on 15.4.2021.

8. It appears that the original writ petitioner R.K.Ibemhal Devi died and her legal heirs Ngangomg Ibochou Singh and Ngangom Ibomcha Singh were brought on record as petitioners in the writ petition. After the demise of the original writ petitioner, the aforesaid persons were recognized as writ petitioners 1 and 2 in the writ petition. Now Ngangom Ibomcha Singh died leaving the applicants and applicants herein will have to be brought on record as his legal heirs. The State respondents and other private respondent may not have any serious objection in bringing the applicants as legal heirs of the second writ petitioner. On the other hand, if they are not brought on record as the legal heirs of the deceased second petitioner, serious prejudice would be caused to the applicants.

9. Considering the facts and circumstances of the case, more particularly, the challenge made in the writ petition, the applicants being legal heirs of the deceased second writ petitioner are to be brought on record. That apart, the delay in filing the application by the applicants to bring them on record is satisfactorily explained by the applicants. Therefore, satisfied

with the reasons stated in the accompanying affidavit, the delay caused in making the application to bring on record the applicants as legal heirs of the deceased second petitioner is condonable and, accordingly, the delay, if any, is condoned.

10. In the result, M.C.(WP(C)) No.142 of 2021 is allowed. The applicants are ordered to impleaded as petitioners 2(a) to 2(f) in the writ petition.

ACTING CHIEF JUSTICE

FR/NFR

Sushil