

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

**RFA No. 3 of 2022 with
MC(RFA) No. 13 of 2022**

Haobijam Nabachandra Singh

.....Appellant/s

- Versus -

Union of India & 3 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

04.07.2023

[1] Present Mr. H. Nabachandra, the appellant in person and Mr. N. Gautam, learned counsel for respondent No. 1.

[2] The present appeal has been filed under Order 41 Rule 1 CPC against the impugned order dated 24.10.2013 passed by the Ld. Civil Judge (Senior Division), Bishnupur in OS No. 6 of 2012. Against this order, the appellant approached this Court by way of a petition under Article 227 being CRP(CRP Art. 227) No. 12 of 2014. Vide order dated 04.05.2022, this Court permitted the appellant herein to withdraw the appeal to approach appropriate forum in accordance with law. The order dated 04.05.2022 reads as under:

“Order

This Civil Revision Petition, under Article 227 of the Constitution, was filed against the order dated 24.10.2013 passed by the Ld. Civil Judge (Senior Division), Bishnupur,

rejecting the plaint in Original Suit Case No. 6 of 2012, under Order 7 Rule 11 CPC on grounds other than suit valuation.

Mr. H. Nabachandra, Petitioner/party in person, seeks leave to withdraw the case reserving liberty to himself to file an appeal against the order dated 24.10.2013 in accordance with the due procedure laid down by law.

Leave granted.

The CRP is accordingly dismissed as withdrawn with the liberty aforesated.

No order as to costs.”

[3] Consequently, the appellant filed first appeal being RFA No. 3 of 2022 before this Court challenging the impugned order dated 24.10.2013 passed by the Ld. Civil Judge (Senior Division), Bishnupur in OS No. 6 of 2012. Along with the first appeal, the appellant also filed an application being MC(RFA) No. 13 of 2022 for deducting the period during which CRP(CRP Art. 227) No. 12 of 2014 was pending before this Court.

[4] On perusal of the plaint [i.e. Annexure –A/3], the valuation of the suit was for a sum of Rs. 25,000/- only. As per the Manipur Court's Act, the pecuniary jurisdiction of the District Judge at the relevant time was Rs. 50,000/- and as such, the first appeal ought to be filed before the Court of Ld. District Judge, Bishnupur.

[5] During the course of hearing, Mr. H. Nabachandra, the appellant in person, submits that he may be permitted to withdraw the present appeal and with liberty to approach the Court of Ld. District Judge, Bishnupur.

[6] Mr. N. Gautam, learned counsel for respondent No. 1 and Mr. Y. Ashang, learned G.A. for respondent Nos. 2 to 4, have no objection.

[7] As prayed above and observed herein, the appellant is permitted to withdraw this appeal to approach appropriate forum in accordance with law. The appellant may also take all available grounds before the Court of Ld. District Judge, Bishnupur.

[8] Accordingly, the appeal is dismissed as withdrawn with liberty to approach appropriate forum. MC(RFA) No. 13 of 2022 is also disposed of in terms of the above direction.

JUDGE

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KH. JOSHUA
MARING

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