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Item No. 43-44

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

**WA No. 77 of 2023 with
MC(WA) No. 131 of 2023**

Rashini Yengkhom

.....Appellant/s

- Versus -

State of Manipur & 6 Ors.

.... Respondent/s

BEFORE
**HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI**

Order

28.11.2023

[1] Heard Mr. N. Ibotombi, learned senior counsel for the appellant, Mr. Shyam Sharma, learned G.A. for respondent Nos. 1 to 5 and Mr. Juno Rahman, learned counsel for respondent Nos. 6 & 7.

[2] The appellant who was respondent No. 6 in the writ petition filed by respondent Nos. 6 & 7 herein approached this Court by way of the present petition for deleting para Nos. 15 & 16 of the impugned order dated 22.08.2023 passed by the learned Single Judge in WP(C) No. 573 of 2021.

[3] The brief fact of the case is that the husband of respondent No. 6 died by drowning in Impahl River and the petitioners approached this Court by way of the writ petition claiming compensation. While allowing the writ petition, the learned Single Judge directed the Principal Secretary/Commissioner

(Home), Government of Manipur to pay a sum of Rs. 10,00,000/- (Rupees ten lakhs) as compensation to the petitioner i.e. respondent Nos. 6 & 7 herein.

[4] Para No. 27 of the impugned judgment & order 22.08.2023 is reproduced herein below:

“27. In the result,

- (1) The writ petition is allowed.*
- (2) The respondent State, through the Principal Secretary/Commissioner, Department of Home, Government of Manipur, is directed to pay a sum of Rs. 10,00,000/- (Rupees ten lakhs) as compensation to the petitioners.*
- (3) The said amount is directed to be paid to the petitioners within a period of six weeks from the date of receipt of a copy of this order.*
- (4) The petitioners 1 and 2 are entitled Rs. 5.00 lakhs each.*
- (5) The Compensation of Rs. 5.00 lakhs in respect of the second petitioner is directed to be deposited in a nationalized bank till she attains majority and the first petitioner is entitled to receive the accrued interest once in three months for the welfare of the minor.*
- (6) There will be no order as to costs.”*

[5] Mr. N. Ibotombi, learned senior counsel for the appellant/respondent No. 6 in the writ petition, submits that certain observations are made in para Nos. 15 & 16 of the impugned order whereby adverse remarks have been recorded against the appellant herein. It is

submitted that if para Nos. 15 & 16 and adverse remarks in some para are deleted from the impugned order, the appellant has no grievances against the relief granted by the learned Single Judge to the respondent Nos. 6 & 7.

[6] Mr. Juno Rahman, learned counsel for respondent Nos. 6 & 7, submits that he is agreeable to the submission made by the learned senior counsel for the appellant provided that the deletion of para Nos. 15 & 16 shall not affect the grant of compensation to respondent Nos. 6 & 7.

[7] Mr. Shyam Sharma, learned G.A., draws the attention of this Court to the unsigned representation dated 04.08.2021 submitted by the JAC for the death of Md. Faris Khan to the Chief Minister of Manipur and submits that this Court may pass appropriate order in the facts and circumstances of the case.

[8] Mr. Juno Rahman, learned counsel for respondent Nos. 6 & 7, has clarified that the State Government has acted upon this unsigned representation submitted by the JAC.

[9] Recording the submissions made by the learned counsel for the parties at bar and in the facts and circumstances of the case, para Nos. 15 & 16 and the allegations made against the present appellant/respondent No. 6 in the writ petition are deleted from the impugned order dated 22.08.2023 passed by the learned Single Judge in WP(C) No. 573 of 2021.

[10] It is made clear that deletion of these paras and certain observations against the appellant shall not affect the entitlement of the compensation to respondent Nos. 6 & 7 as directed in para No. 27 of the

impugned order. The said amount of compensation of Rs. 10,00,000/- (Rupees ten lakhs) shall be paid to respondent Nos. 6 & 7 within 3 (three) months from the receipt of a copy of this order.

[10] With this observation, writ appeal is disposed of.

[11] Send a copy of this order to the Principal Secretary/Commissioner (Home), Government of Manipur for information and necessary compliance.

[12] Furnish a copy of this order to the learned counsel appearing for all the parties.

[13] Misc. case is disposed of in terms of the above order.

JUDGE

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