

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

MC(CRP(CRP.Art.227)) No. 40 of 2022

With

MC(CRP(CRP.Art.227)) No. 41 of 2022

With

MC(CRP(CRP. Art. 227) No. 42 of 2022

Smt. Moirangthem Ningol Thounaojam Ongbi Pushparani Devi

....Applicant

- Versus -

Km. Y. Inakhunbi Devi & 9 ors.

...Respondents

BEFORE

HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

25.01.2023

By way of these miscellaneous cases, the petitioner in the main CRP seeks condonation of the delay on her part in seeking setting aside of the abatement of the said case owing to the death of respondent Nos. 4, 5, & 7 therein. Respondent No. 4 in the CRP died on 10.01.2020; respondent No. 5 in the CRP died on 16.11.2019; and respondent No. 7 therein died on 09.11.2021. By way of MC(CRP(CRP.Art.227)) No. 40 of 2022, the petitioner/applicant seeks condonation of the delay of 61 days in seeking setting aside of the abatement of the case caused by the death of respondent No. 7. MC(CRP(CRP.Art.227)) No. 41 of 2022 was filed by her seeking condonation of the delay of 180 days in seeking setting aside of the abatement caused by the death of respondent No. 5. MC(CRP(CRP.Art.227)) No. 42 of 2022 was filed by her seeking condonation of the delay of 125 days in seeking the setting aside of the abatement of the case due to the death of respondent No. 4.

Mr. S. Lokhendro, learned counsel, appears for the petitioner/applicant; Mr. A. Golly, learned counsel, appears for respondent Nos. 1, 2, 3 & 6 in the CRP; while Mr. S. Kaminikumar, learned counsel, appears for respondent Nos. 8 & 10.

Mr. A. Golly, learned counsel, filed his counter affidavit stating that there were lapses on the part of the petitioner/applicant in taking timely steps in as much as the expiry of respondent Nos. 4 & 5 was informed to the Court on 09.12.2021 itself and the learned counsel for the petitioner/applicant was present on that day. Thereafter, the factum of expiry of respondent Nos. 4, 5 & 7, along with the dates of their deaths, were informed to the Court on 07.04.2022 in the presence of the learned counsel appearing for the petitioner/applicant. Despite the same, no steps were taken.

Mr. S. Lokhendro, learned counsel, would state that the petitioner/applicant, being an ignorant lady, was dependent upon legal advice and due to the Covid-19 pandemic she was not in a position to keep in frequent contact with her counsel. He would further point out that the Supreme Court froze the period of limitation for all applications in the light of the pandemic and by taking virtue of the same, the delay in the present miscellaneous cases is cut short to a great extent.

As the learned counsel who appeared for the petitioner/applicant failed to keep her informed about taking timely measures, this Court is of the opinion that she should not be penalized for the same.

MC(CRP(CRP.Art.227)) No. 40 of 2022, MC(CRP(CRP.Art.227)) No. 41 of 2022 and MC(CRP(CRP.Art.227)) No. 42 of 2022 are accordingly ordered,

condoning the delay in seeking setting aside of the abatement of the CRP caused by the death of respondent Nos. 4, 5 & 7.

CHIEF JUSTICE

Indrajeet