

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

**CRP (C.R.P. Art. 227) No. 6 of 2022
With
MC [CRP (C.R.P. Art. 227)] No. 54 of 2022**

Wahengbam Lokeshwor @ Nokeshwar Singh; & Anr.

Petitioners

Vs.

Thounaojam Ibochou Singh; & Ors.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR

12.01.2023

This civil revision petition was filed under Article 227 of the Constitution assailing the order dated 11.10.2021 passed by the learned Civil Judge (Senior Division), Imphal West, in Judl. Misc. Case No. 139 of 2021 (Ref: Original Suit No. 22 of 2009/20/2011/64/2017). The petitioners are two of the LR's of deceased defendant No. 1 in the said suit.

Upon hearing the arguments of Mr. Kh. Santa, learned counsel for the petitioners, on 03.02.2022, notice was ordered to the respondents. Mr. Th. James, learned counsel, entered appearance for the respondents and thereafter filed an affidavit-in-opposition. Rejoinder thereto was also filed by the petitioners. Mr. Th. James, learned counsel, raised the issue of maintainability of the CRP and the matter underwent adjournments to enable the learned counsel for the petitioners to advance arguments thereon.

However, on 02.11.2022, Ms. Firdawsi Choudhury, learned counsel, representing Mr. Kh. Santa, learned counsel on record for the petitioners, informed the Court that the file had been taken away along with a 'no objection'

vakalatnama. As no other counsel had entered appearance on the strength thereof, the matter was adjourned to 22.11.2022 to enable the petitioners to make alternative arrangements. On 22.11.2022, Ms. Firdawsi Choudhury, learned counsel, stated that a miscellaneous case was filed for determination of their appearance on behalf of the petitioners. As the said miscellaneous case was not listed on that day, the matter was adjourned and steps were directed to be taken to effect service of notice upon the petitioners. Pursuant thereto, the Registry addressed notices to both the petitioners, but the same were returned with the endorsements: 'refused by addressee' and 'refused to take by addressee'.

Today, Mr. Th. James, learned counsel, appears for the respondents, and Mr. Kh. Santa, learned counsel, reiterates that he has no instructions to appear for the petitioners as the file was already taken away.

As the petitioners refused to accept the notices issued by the Registry upon the miscellaneous case filed by Mr. Kh. Santa, learned counsel, seeking to determine his appearance, this Court is left with no option but to infer that the petitioners are no longer interested in pursuing this litigation.

MC [CRP (C.R.P. Art. 227)] No. 54 of 2022 is accordingly ordered, determining the appearance of Mr. Kh. Santa, learned counsel.

In consequence, CRP (C.R.P. Art. 227) No. 6 of 2022 is dismissed for non-prosecution.

No order as to costs.

CHIEF JUSTICE

Sandeep