

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****Transfer Petn. No. 3 of 2024**

Shri Nambichungpou Kamei

...Petitioner**- Versus -**

Shri Makuguipou Kamei

...Respondent**B E F O R E
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR****ORDER****05-12-2024**

1. The present Transfer Petition No. 3 of 2024 has been filed to transfer the Original Suit No. 11 of 2019 on the file of Civil Judge Senior Division, Tamenglong to the competent Court at Imphal West, Imphal East or Bishnupur District.

2. Mr. P. Tomcha, learned counsel, appears for the petitioner and Mr. Rajenpou Pamei, learned counsel, appears for the respondent.

3. The learned counsel appearing for the petitioner contended that in the month of May, 2023, some disruption occurred in the State of Manipur. Due to the aforesaid occurrence on 3rd May, 2023 in the State of Manipur, the petitioner had to manage the Court at Tamenglong along with the counsel to defend the suit. However, due to the law and order situation in the State of Manipur in the month of May, 2023 and the counsel for the petitioner being the member of the Meitei community, it is very difficult to attend the Court at Tamenglong. Additionally, travelling by road poses a

high risk, and the expenses to be met out will be more than Rs. 7,000/-, as legal fees and counsel expenses for the petitioner, and therefore, he makes a request to transfer the said suit either to the Court at Bishenpur or Imphal.

4. Though no counter is filed, the learned counsel appearing for the respondent has made an objection stating that the reasons stated in the affidavit filed by the petitioner that the counsel is unable to attend the said Court at Tamenglong due to the said reasons is a contemptuous statement and cannot be accepted.

5. Counsel for the respondent further submitted that the aforesaid Court of Civil Judge Senior Division, Tamenglong is provided with the video conferencing facility and counsels can appear through video conferencing in the aforesaid case being listed before the concerned Civil Court and in such circumstances also, we also verify from the Civil Judge Senior Division, Tamenglong of the contention of the petitioner that video conferencing is not properly functioning in the aforesaid Civil Judge Senior Division Court. In this regard, the Joint Registrar (Judicial)/CPC of this High Court has also obtained the oral instructions from the learned Civil Judge Senior Division, Tamenglong and informed this Court that Video Conferencings are working properly and learned counsels can also appear through the Video Conferencing in the aforesaid suit in such circumstances in the Court of Civil Judge Senior Division, Tamenglong.

6. I have heard both the parties and perused the materials available on the record.

7. The specific contention of the petitioner is that the video conferencing facility is not properly functioning in the aforesaid Court at Civil Judge Senior Division, Tamenglong, and also the grievances of the petitioner is that since the counsel appearing for the petitioner belongs to Meitei community, he is unable to attend the Court at Tamenglong in view of the present law and order situation in the State of Manipur. Therefore, he seeks that the said suit be transferred from the Court of Civil Judge Senior Division, Tamenglong, to the competent Court at Imphal West, Imphal East or Bishnupur District, so as to enable the counsel to appear before the concerned Court and defend the case on behalf of the petitioner.

8. The Joint Registrar (Judicial)/CPC of this Court has obtained oral instructions from the Civil Judge Senior Division, Tamenglong with the regard to the contention of the petitioner that at present, the video conferencing facility in the said Court is not functioning in hybrid mode. He informed this Court that the learned counsel appearing for the petitioner can appear physically or through video conferencing facility available at the aforesaid Court of Civil Judge Senior Division, Tamenglong. Therefore, considering the special report from the concerned Judge, this Court is not inclined to accept the contention of the petitioner's counsel that the said video conferencing is not properly functioning in the aforesaid Court of Civil Judge Senior Division, Tamenglong. The said contention is liable to be rejected and further this Court also examined the distance and its impact on equitable access to justice.

9. The learned counsel appearing for the petitioner submits that the counsel having no alternative mode of appearance before the Court concerned in video conferencing and parties cannot be suffered for attending the Court at Civil Judge Senior Division, Tamenglong, he seeks transfer of the Original Suit No. 11 of 2019 from the Court of Civil Judge Senior Division, Tamenglong to the competent Court at Imphal West, Imphal East or Bishnupur District which is more than 65 Kms.

10. According to the respondent, the distance from the said village of the petitioner and the respondents to the aforesaid Court at Bishenpur is more than 65 Kms and parties are at difficulty to come over to the aforesaid Court on every hearing and therefore, the expenses of the parties as well as for the litigants to attend the Court or hearing will be more expensive and further, since the respondent is a farmer by occupation, he cannot every time travel at long distance and attend the Court at the aforesaid Court at Bishenpur and therefore, the contention of the petitioner cannot be entertained and therefore, on this ground, this Court is of the view that the said contention of the petitioner cannot be accepted.

11. Therefore, this Court finds no merit in the instant transfer petition and consequently, the said transfer petition is liable to be rejected and is accordingly dismissed.

CHIEF JUSTICE

Sushil