

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

CRP(CRP Art. 227) No. 56 of 2022

Kongkham Hemchandra Singh & anr.

... Petitioners

Vs.

Mayengbam Shanta Singh & ors.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

06-02-2024

Heard Ms. Bandana H., learned counsel appearing for the petitioners and Mr. A. Rommel, learned counsel appearing for the contesting respondent No. 1. None appeared for the respondents No. 2 and 3, despite service of notice.

The present petition has been filed assailing the order dated 29-12-2019 passed by the Civil Judge, Senior Division (Thoubal) in Judl. Misc. Case No. 247 of 2019 (Ref:- O.S. No. 1 of 2019). By the said impugned order, the Civil Judge (Senior Division), Thoubal had dismissed the application filed by the present petitioners seeking leave to allow them to file their written statement in connection with the Original Suit. The counsel for the petitioners submitted that even though the present petitioners (defendants in the original suit) received notice on 19-02-2019, the petitioners/ defendants received all the documents annexed to the Original Suit only on 15-07-2019, hence the present petitioners/ defendants could not file their written statement in time. The learned counsel appearing for the petitioners/ defendants also submitted that since the documents annexed to the Original Suit was furnished to them only on 15-07-2019, they could not file their written statement in time and that they approach the trial court by filing a misc. case seeking leave of the court for allowing them to file their written statement. However, the trial court have rejected the same on the ground that there was three days delay in filing their written statement. The learned counsel strenuously submitted that unless the present petitioners/ defendants are not allowed to file their

written statement in the connected original suit, their right to defend themselves will be deprived and a grave prejudice will be caused to them. The learned counsel, accordingly, prays for setting aside the said impugned order and give leave to the present petitioners/ defendants to file their written statement in connection with the original suit.

Mr. A. Rommel, learned counsel appearing for the contesting respondent No. 1 fairly submitted that the contesting respondent No. 1 did not file any counter affidavit and accordingly, any appropriate order as deem fit and proper may be passed by this court after examining the record of this case.

After hearing the submission of the learned counsel appearing for the petitioners and after perusal of the record, this court is of the considered view that it will be in the interest of justice to allow the present petitioners, who are the defendants in the original suit, to allow them to file their written statement and to contest the original suit on merit. Accordingly, the impugned order dated 20-12-2019 passed by the Civil Judge (Senior Division), Thoubal in Judl. Misc. Case No. 247 of 2019 is hereby set aside.

The Civil Judge (Senior Division), Thoubal is directed to proceed with the original suit No. 1 of 2019 after taking on record the written statement filed by the defendants.

With the aforesaid directions, the present review petition is disposed of.

JUDGE

Devananda