

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
MC(CRP(CRP. Art.227) No.1 of 2024
Ref: CRP(C.R.P Art.227) No.10 of 2022**

Leishangthem Amuba Singh

Petitioners

Vs.

Khumukcham Elvis

Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
(ORDER)

23.07.2025.

[1] Leaned counsel for the applicant/petitioner Mrs. Mangalembi appeared through Video Conferencing before the Court and learned counsel for the Respondent Mr. K. Somorjit is also present before the Court physically.

[2] The application in the proceeding of MC(CRP(CRP. Art.227) No.1 of 2024 has been initiated by the petitioner as under Order 6 Rule 17 CPC read with the 151 CPC whereby seeking for amendment on various grounds.

Mrs. Mangalembi, learned counsel for the applicant/petitioner who is appearing through Video Conferencing submitted that the applicant/petitioner has filed Revenue Revision Case No.2 of 2021 before the Revenue Tribunal, Manipur and whereby challenging the order dated 01.07.2020 rendered by the Ld. S.D.C/Tuibong, Churachandpur District, Manipur passed in MC No.66/SDC/TBG/Churachandpur against the present respondent on various grounds.

[3] It is further submitted that the proceeding in Revenue Revision Case No.2 of 2022 came to be dismissed on 10.11.2021 and being aggrieved by the order rendered by the learned S.D.C that this Revenue Revision Petition has filed under Article 227 of the Constitution of India urging the various grounds. It is further submitted that the proposed amendment will not change the character of the petition contentions, and it can't be arising for establishing new case set up and the proposed amendment will not cause any injury to the other side. Therefore, on these premises, seeking for allowing the application filed under Order 6 Rule 17 of CPC.

[4] The proposed amendment at of page No.9 of the Revision Petition has been specifically stated and it is just after the relief (iii), the relief(s) may be allowed to insert in the prayer column of the main petition i.e., (iii)(a) whereby to set aside and quash the impugned order dated 01.07.2020 rendered by the Ld. SDC/Tuibong, Churachandpur in M.C No.66/SDC/TBG/Churachandpur and also seeking amendment in the prayer column as (iii)(b) to direct the learned SDC/Tuibong, Churachandpur to restore the name of the present petitioner in respect of the disputed land, in the records of rights.

[5] Whereas on the part of the respondent in this matter fairly submitted that the application filed under Order 6 Rule 17 of CPC, may be considered and also permitted the applicant/petitioner to amend the main petition as in CRP(CRP Art.227) No.10 of 2022.

[6] Whereas this application has been filed under Order 6 Rule 17 of CPC for seeking amendment of the main proceeding and

therefore, it is deemed appropriate to refer the scope of the Order 6 Rule 17 of CPC that the Court may initiate the proceeding and be considered the aforesaid application and whereby seeking the amendment of the pleadings. All the amendments have to be allowed as sought to be allowed which is satisfied the truth conditions/grounds not working injustice to the other side and so also of being necessary for the purpose of determining the real questioning controversy between the parties, the amendment of the pleadings under Order 6 and Rule 17 CPC is to be allowed if such an amendment is required for proper effective adjudication of controversy between the parties and to avoid the multiplicity of judicial proceeding which subject to certain condition, such as allowing the amendment should not resulting in injustice to the other side. However, in a given peculiar facts and circumstances of the matter are concerned, it is deemed appropriate to refer to the judgment of **Ajit Kumar Saha Vs. Ashish Kumar Saha reported in AIR Cal148**. The Court may allow an amendment at any stage of a proceeding and even if at all there is inconsistency or contradictory be there, if no prejudice is caused to the other side.

[7] Whereas the terms of this provision at any stage of the proceeding and for the purpose of the determining real questioning the controversy between the parties are imparted for adjudicatory process and also for arrival of proper conclusion. The whole object of purpose of introduction Order 6 Rule 17 of CPC is to avoid multiplicity of the proceeding to shorten the litigation and to settle the entire disputes at rest. However, any amendment should not or must not jeopardize the

case of the other. However, the scope of the Order 6 Rule 17 of CPC has been extensively addressed by the Hon'ble Supreme Court of India in the aforesaid case as reported in **Ajit Kumar Saha Vs. Ashish Kumar Saha reported in AIR Cal148.**

[8] Therefore, keeping in view the contentious contentions which have been taken by the learned counsel for the applicant/petitioner and so also, the submission made by the learned counsel for the respondent in the aforesaid proceeding, it is deemed appropriate that the proceeding in MC(CRP(CRP Art.227) No.1 of 2024 which has been filed under Order 6 Rule 17 of CPC is hereby allowed in the interest of justice.

[9] Consequently, the counsel for the petitioner be permitted to carry out the amendment in accordance with law in proceeding of CRP(CRP Art.227) No.10 of 2022 and amended petition shall be produced and copy of the same shall be furnished to the learned counsel for the respondent. Accordingly, this proceeding in MC(CRP(CRP Art.227) No.1 of 2024 is disposed of.

CHIEF JUSTICE

Ab. Surjit