

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

CRP(C.R.P. Art.227)No.01 of 2024

Waribam Khoibi

Petitioner

Vs.

Shri Chingshubam Jiten Singh.

Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
(O R D E R)

17.07.2025.

[1] This Civil Revision Petition has been initiated by the petitioner/plaintiff to initiate the proceeding in Judl. Misc. Case No. 447 of 2023 under Order 21 Rule 29 of the C.P.C and whereby praying for staying the Execution of the referred Execution case i.e. Execution case No. 45 of 2023 arising out of the proceeding in O.S. No. 85 of 2015. Whereas the proceeding in Judl. Misc. Case No. 447 of 2023, the Court of the Civil Judge (Sr. Div.) Imphal West, rendering an order dated 05.12.2023 and the same has been challenged under this Civil Revision petition urging various grounds.

[2] Learned senior counsel namely, Mr. M. Hemchandra for the petitioner is present but there is no representation on the part of the respondent in this matter and even though this matter was taken up for

hearing at 3:40 p.m but there is no representation on the part of the respondent or even representing by the counsel who is on record.

[3] Whereas the learned senior counsel for the petitioner in this matter submitting that the suit has been initiated by the plaintiff against the defendant in O.S. No. 85 of 2015 and the suit was ended in rendering a judgment and decree in respect of the property which has been depicted therein but subsequent to the rendering of judgment and order in the aforesaid original suit No. 85 of 2015 that the decree holder has initiated execution proceeding as Execution Case No. 5 of 2023 but the aforesaid original suit was attaining finality by rendering judgment and decree in respect of the suit and property which has been depicted therein in detail, despite of it the respondent herein who has initiated the proceeding in Judl. Misc. Case No. 447 of 2023 and rendering an order dated 05.12.2023 and the said order was remained suspended till the next date of hearing as reveals in the order dated 17.01.2024 but the case in O.S. No. 85 of 2015 was attaining finality by rendering a judgment and decree as in that original suit the plaintiff has initiated the suit against the defendant for declaratory relief in respect of the title eviction. Subsequent to the rendering a judgment and decree wherein the respondent herein who had initiated the proceeding in Judl. Misc. Case No. 447 of 2023 by making used of the provision of Order 21 Rule 29 of the CPC.

[4] Whereas the learned senior counsel for the petitioner in further contending that the case in O.S. No. 85 of 2015 was attaining finality by fructuous of the decree in Execution proceeding has been initiated as in Execution case No. 5 of 2023, despite of it this Misc. Case has been initiated and wherein obtaining the interim order and the same has been challenging in this Civil Revision Petition and seeking for setting aside the impugned order dated 05.12.2023.

[5] Whereas the learned senior counsel in further contending that the initiation of the proceeding in Judl. Misc. Case No. 447 of 2023 in respect of the suit in property depicted therein and even also depicted in the earlier proceeding in O.S. No. 85 of 2015 is hit under Section 11 of CPC as the suit was decided by the parties in the rank of the plaintiff and defendant and therefore, it is hit under Section 11 of CPC and hence, it does not arise for dwelling in detail about the issue in this Civil Revision petition for seeking intervention of the order dated 05.12.2023 in Judl. Misc. Case No. 447 of 2023.

[6] As already been stated that the counsel for the respondent is not present before the Court physically either appearing through video conferencing and there is no representation made on behalf of him but the suit was initiated earlier in the year 2015 that is the case in O.S. No. 85 of 2015 before the Court of Civil Judge (Sr. Div.) Imphal West, Manipur, and the suit was ended in rendering a judgment and decree and even attaining finality and inclusive of fructuous of the decree as initiated

the proceeding in Execution case No. 5 of 2023 and therefore, no consequences even for addressing the issues in a proceeding of Judl. Misc. No. 447 of 2023. However, the learned senior counsel clarified that the order dated 05.12.2023 is not in force before the Court of Civil Judge (Sr. Div.) Imphal West, as even initiation of the proceeding in Judl. Misc. Case No. 447 of 2023 but the said Misc. Case proceeding is pending to persuade the issues in between the petitioner and the respondent therein but keeping in view the submissions made by the learned counsel for the petitioner in this matter, it is deemed appropriate to pass some suitable orders that the Court of the Civil Judge (Sr. Div.) Imphal West, Manipur, shall expedite the proceeding of Judl. Misc. Case No. 447 of 2023 by giving an opportunity to both the petitioner and the respondent respectively but the case in O.S. No. 85 of 2015 was ended in rendering a judgment and decree and also attaining finality and so also fructuous of the decree in a proceeding of Execution case No. 5 of 2023 arising out of the aforesaid original proceeding and therefore, it is deemed appropriate to state that the proceeding in Judl. Misc. Case No. 447 of 2023 is pending for disposal but keeping in view the issues in the aforesaid original suit as well as attaining finality of the judgment and decree are concerned, it is deemed appropriate that the Presiding Officer, Civil Judge (Sr. Div.) in Judl. Misc. Case No. 447 of 2023 shall expedite the case without disturbing any judgment and decree rendering in O.S. No. 85 of 2015 and whereby attaining finality and also fructuous of the decree

in the proceeding of Execution case No. 5 of 2023. However to avoid multiplicity of the proceeding are concerned, it is deemed appropriate to refer the scope of Section 151 of the Code of Civil Procedure that there is no limit to exercise the inherent power, either effecting or affecting any orders under this code, that is the first limb of the said provision of law, the second limb of the said provision of law relating to preventing the abuse of process of law, whereas the third limb of the said provision of law is seeking of securing the ends of justice, it is applicable to both the parties in this proceeding but pending disposal of the proceeding in Judl. Misc. Case No. 447 of 2023, it warranting for issuing not to precipitate the issues as the judgment and decree was attaining finality in O.S. No. 85 of 2015 and the decree was fructuous in Execution case No. 5 of 2023. Accordingly, made an observation. In terms of the aforesaid reasons, which is stated supra, this civil revision petition is hereby disposed of.

CHIEF JUSTICE

John Kom