

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

**CRP(C.R.P.Art.227) No.1 of 2025  
With  
MC(CRP(C.R.P.Art.227)) No.2 of 2025  
With  
MC(CRP(C.R.P.Art.227)) No.3 of 2025**

The Manipur Food Industries Corporation Limited Enterprises  
of Manipur Government

***Petitioner/s***

**Vs.**

M/S CG Herbals

***Respondent/s***

BEFORE  
**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR**

**(ORDER)**

**03.10.2025.**

Captioned petition has been presented in this Court under Article 227 of the Constitution of India assailing a order dated 16.12.2024 made in Civil Execution Case No.1 of 2023 on the file of District Judge, Imphal East. This 'Court of District Judge, Imphal East' shall be referred to as 'Executing Court' for the sake of convenience and clarity.

2. Mr. N. Jotendro, learned senior counsel appearing on behalf of counsel on record for revision petitioner and Mr. Saphaba Pousing, learned counsel for sole respondent are before this Court, this Court with the consent of learned counsel on both sides took up the main CRP and heard out the same.

3. From hereon and henceforth, the parties shall be referred to by their respective ranks in the Executing Court for the sake of convenience and clarity. This means that the 'revision petitioner' will be referred to as 'judgment debtor' and the 'sole respondent' shall refer to as 'decree holder'.

4. Short facts are:

That, the decree holder filed a suit in Civil Suit No.11B of 2018 on the file of Court of Eighth Additional District Judge, Raipur (CG), claiming a sum of Rs. 31,50,000/-(Rupees thirty one lakh and fifty thousand) only altogether with 18 percent per annum interest and costs;

That, the suit was predicated on goods sold and delivered; That, the goods sold and delivered are organic, chemicals and Lemon Grass Slips;

That, the judgment debtor who was the sole defendant in the suit in the Chattisgarh Court did not choose to go before the Chattisgarh Court and resist the suit, though the judgment debtor was served with suit summons;

That, the Chattisgarh Court (hereinafter 'Trial Court' for convenience) decreed the suit in and *vide* 'judgement and decree dated 15.10.2018' ('said decree' for the sake of convenience and clarity);

That, the decree holder sought transmission and post-transmission, filed Civil Execution Case No.1 of 2023 in the Executing Court seeking execution of the said decree;

That, on 16.12.2024, the judgment debtor on being served with notice from the Executing Court, appeared before the Executing Court;

That, it is to be noted that the judgment debtor is a Corporation wholly owned by Government of Manipur and is therefore State within the meaning of Article 12 of the Constitution of India;

That, the Managing Director of the judgment debtor went before the Executing Court and made a categorical averment that payment qua satisfaction of decree will be made after taking approval from Board;

That, on judgment debtor opposing the request for adjournment, the Executing Court listed the matter on 24.01.2025 for full payment;

That, the Executing Court also observed that if the judgment debtor does not make payment, the amount will have to be realized as per law;

That, thereafter the judgment debtor came to this Court assailing afore referred 24.01.2025 order of Executing Court *vide* captioned CRP i.e., CRP(CRP Art.227) No.1 of 2025 with MC(CRP(CRP Art.227) No.2 of 2025 with MC(CRP(CRP Art.227) No.3 of 2025;

That, pursuant to interim order of this Court in captioned matter 50 percent of the decretal amount has been paid out;

That, the decree holder has also taken payment out the same i.e., 50%;

That, the captioned CRP is being heard out today.

6. Notwithstanding myriad grounds and averments in the captioned petition, Mr. N. Jotendro, learned senior counsel predicated his campaign against the impugned order of the executing court on one point and that one point is the judgment debtor has filed an application under Order IX Rule 13 of 'the Code of Civil Procedure 1908' CPC {an application for setting aside said decree}. To be noted, said decree is an ex-parte decree and owing to the pendency of the Order IX Rule 13 application, the proceedings in the Executing Court ought to have been deferred is learned senior counsel's further say.

7. Learned counsel for decree holder made a faint attempt to submit that captioned revision will not fall within the legal perimeter of section 115 but in the considered view of this Court this argument is a non-starter and no argument as the captioned CRP has been presented in this Court under Article 227 Constitution of India as already alluded to supra.

8. Reverting to the lone point on which the impugned order has been assailed, this Court is informed that the Order IX Rule 13 application in the Trial Court, Chattisgarh is proceeding as per the law but there is no

interim order. Absent interim order and absent any dispute about submission made by Managing Director of Judgment Debtor or any plea, that the recording of the Executing Court on 16.12.2024 order is incorrect, this Court finds that the lone ground on which the impugned order of the Executing Court is assailed does not cut ice in the legal drill at hand. In other words, *i.e.*, to put it differently, the lone ground on which challenge to the impugned order is predicated does not find favour with this Court as mere filing of Order IX Rule 13 application to set aside an ex-parte decree cannot be a ground for the Executing Court to keep its hands off, particularly when the judgment debtor goes before the Executing Court and undertakes to satisfy the decree.

9. To be noted, the judgment debtor is a State owned Corporation and the Managing Director made the statement before the Executing Court.

10. Ergo, the sequitur is, captioned CRP fails and the same is dismissed.

11. Consequently, the captioned MCs also perish with the main CRP and the same are also dismissed.

There shall be no order as to cost.

**CHIEF JUSTICE**

*Ab. Surjit*