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

CRP(C.R.P. Art.227)No.18 of 2023

RK Birjit Singh & Anr.

Petitioners

Vs.

Rajkumar Brajabidhu 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 under Article 227 of the Constitution of India and whereby in this proceeding seeking for setting aside the order passed by the Civil Judge (Sr. Div.) Bishnupur, Manipur dated 03.08.2022 inclusive of the order dated 20.10.2022 by urging the various grounds.

[2] Brief facts of this proceedings are as under:

The plaintiff has initiated the suit against the defendants for declaration of the suit scheduled property depicted therein. The plaintiff is the eldest natural royal blood son of one late Kalaraj and the same has been taken in the suit filed by the plaintiff against the defendants. The

plaintiff was appointed with well-wishing for the religious post as Kalaraj or Chief of Ningthoukhong Radha Madhav and he requested and approach the Secretary custom Uttra Sanglen Sana Konung. In response to the request permission seeking succession coronation by the plaintiff as aforesaid the royal custom Uttra Sanglen Konung Shri. Th. Ibungohal Singh. Apart from that several grounds have been taken to initiate the suit against the defendants for seeking declaratory relief in respect of the suit schedule property.

[3] Heard Mr. A. Sachinkumar for the petitioners and so also the learned counsel for the respondent, namely S. Lokhendro.

[4] The grounds which have been taken in the plaint have been taken into consideration. It reveals that the suit has been filed by the plaintiff against the defendants for declaratory relief in respect of the suit schedule property. Subsequent to the registration of the said suit against the defendants and wherein the Court of the Civil Judge (Sr.Div.) Bishnupur, Manipur had issued summon against the defendants and more so summon had been effectively serviced but they did not engage the service of the advocate initially and both the defendants No. 1 & 2 have been placed ex-parte and subsequently, the defendant Nos. 1 & 2 have filed an application under Order 9 Rule 7 of the CPC seeking for setting aside the ex -parte order passed against them for the reasons that despite of effective service of process against them, they did not appear or secure

the service of an advocate nor appear in person before the Court. But the aforesaid Presiding Officer, Civil Judge (Sr. Div.) Bishnupur, proceeded ex-parte against the defendants dated 03.08.2022 and so also 20.10.2022 but filing an application under Order 9 Rule 7 and that application was registered as in Jud. Misc. Case No. 303 of 2022 arising out of the proceeding in Original Suit No. 12 of 2022 vide Annexure A/4 but the said application came to be dismissed and dismissal order has been challenged under this Civil Revision Petition by urging various grounds for seeking to set aside the impugned order dated 03.08.2022 and so also the order dated 20th October 2022. These are all the contentions which have been taken by the learned counsel for the petitioners in this matter and also in further submitting that if this proceeding is not been allowed for the petitioner, there would be some miscarriage of justice and there is no filing of any written statement or any document on their side for proper adjudication of the proceeding in between the plaintiff and the defendants.

[5] On contrary, the learned counsel for the respondent in this matter has taken me through the impugned order which has been rendered by the Court of the Civil Judge (Sr. Div.) Bishnupur, and wherein the effectively service of process against the defendants and despite of it they have not initially engaged the service of an advocate but for the absence of the defendant Nos. 1 & 2 that the ex-parte order dated 03.08.2022 and so also dated 20.10.2022 have been rendered but in this Civil Revision

Petition having been seeking for intervention but there is no sufficient cause has been stated in the petition for setting aside the aforesaid impugned orders.

[6] Having gone through the entire materials available on record inclusive of the plaint averments it reveals that the plaintiff has filed suit against the defendants for declaratory relief in respect of the concept of religious post and if there is no opportunity has been given to the defendants in a suit which has been filed by the plaintiff against the defendants then, there would be a possibility of miscarriage of justice. Therefore, as of this stage, it does not require dwelling in detail about the contentions taken and various grounds taken in the suit initiated by the plaintiff against the defendants but the sufficient cause in case made out by the petitioners/defendants in this matter and also made out for non-appearance on the date fixed for hearing and the concerned court having a discretion to placing an ex-parte proceedings were initiated against them but they cannot be penalized for merely because of not having been engaging the service of advocate or even appear before the Court of Law as a party in person to agitate the issues in between the plaintiff and the defendants and therefore, it is deemed appropriate to state that and also keeping in view the doctrine of “Audi alteram partem” that the grounds which have stated in this Civil Revision Petition as initiated by the

petitioners against the respondent are found to be acceptable and also justifiable.

[7] In view of the aforesaid reasons and findings in this matter, I am inclined to pass the order as under:

This Civil Revision Petition which has been filed under Article 227 of the Constitution of India is hereby allowed and consequently setting aside the ex-parte order which has been passed by the Presiding Officer of the Civil Judge (Sr. Div.) Bishnupur, Manipur in O.S. No. 12 of 2022 dated 03.08.2022 and so also dated 20.10.2022.

[8] However, the suit is of the year 2022 and there is no progress made even on the part of the defendants and therefore, it is deemed appropriate that the petitioner/defendants No. 1 & 2 shall be present before the Court of the Civil Judge (Sr. Div.) Bishnupur, Manipur in O.S. No. 12 of 2022 on 01.08.2025 without waiting any notice/process from the aforesaid Court. If the defendant Nos. 1 & 2 being arrayed as petitioners in this matter and if they have not been present before the Court on the day on 1st August, 2025 and the Civil Judge (Sr. Div.) Bishnupur be directed to exercise the discretionary power for imposing of costs upon the defendants/petitioners herein.

[9] However, the suit is of the year 2022 and even on the part of the plaintiff there was no recording of an evidence and more so it requires

for filing written statement and therefore it is deemed appropriate that defendants in the aforesaid suit shall file a written statement within a period of 10 days from the date of appearing before the aforesaid Court that i.e. 01.08.2025. Accordingly, this proceeding is disposed of.

CHIEF JUSTICE

John Kom