

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

CRP (CRP Art. 227) No. 11 of 2025

State of Manipur and another

Petitioners

Vs.

Socio Economic and Welfare Organisation and another

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR

ORDER

20.02.2025

Mr. Th. Sukumar Singh, learned Government Advocate assisted by Mr. W. Niranjit, learned Deputy Government Advocate, appears for the petitioners and Mr. N. Rameshwor, learned counsel, appears for the respondents.

The petitioners have filed the instant CRP(CRP Art. 227) No. 11 of 2025 challenging the order dated 25.10.2023 passed by the learned Civil Judge Junior Division, Imphal West-1 in Judl. Misc. Case No. 139 of 2023 (Ref: Original Suit No. 28 of 2023) which reads as follows :

"Ld. Counsels for the parties are present.

Parties do not have any objection for returning the plaint to the concerned court having the territorial jurisdiction.

Accordingly, prayer of the def. No. 1 and 2 is allowed.

Disposed of accordingly.

Civil Asst. to transfer the case records to the concerned court at the earliest.

Parties to appear before the concerned 10/11/2023 without fail."

Learned Government Advocate appearing for the petitioners has submitted that the said order of the trial court clearly states that parties do not

have any objection for returning the plaint to the concerned court having the territorial jurisdiction. However, the trial court has travelled beyond its reason recorded in the order. Further, in the order it is also directed the Civil Asst. to transfer the case records to the concerned court at the earliest. The said order is passed by the trial court having its jurisdiction to decide the suit and therefore, the said order of the trial court dated 25.10.2023 is liable to set aside.

Learned counsel for the respondents has made an attempt to justify the order of the trial court by stating that no prejudice will be caused to the petitioner if the said suit is transferred to the concerned jurisdictional court. Therefore, he seeks law on CPC.

Heard the parties and perused the materials on record. This court also perused the order passed by the learned Civil Judge Junior Division, Imphal West-1.

Recording the aforesaid statement, the trial court disposed the case but further observed to transfer the case records to the concerned court at the earliest and to appear before the concerned court on 10.11.2023.

This being the offending portion under challenge in the civil revision petition the trial court cannot pass an order for transfer of case records to the concerned jurisdictional court. Therefore, he seeks for setting aside the said observation made by the trial court.

The counsel appearing for the petitioners has also agreed to the order passed by the trial court and has no objection for returning the plaint and submit to the concerned court having the territorial jurisdiction but not transfer the case

records and direction to the petitioner to appear before the concerned court on 10.11.2023 without fail. Being aggrieved by that order, he filed the CRP before this Court. Therefore, the petitioner has objected the said observation made by the trial court to appear before the territorial jurisdictional court. In such circumstances, the aforesaid order is unsustainable and therefore, the said observation made by the trial court is liable to be set aside.

Therefore, in view of above, this court is inclined to direct the trial court to return the plaint alone to the respondent herein for submitting before the territorial jurisdiction.

In so far as any clarification regarding the court records is concerned, it is open to the parties concerned to file appropriate application before the trial court in accordance with the provisions of law.

With the above directions, the CRP (CRP Art. 227) No. 11 of 2025 is disposed of.

CHIEF JUSTICE

Sushil