

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

MC (RSA) No. 9 of 2025

Ref: RSA No. 4 of 2024

Ningthoujam (N) Kananbala Devi

Applicant

Vs.

Naoroibam Rajmani Singh

Respondent

BEFORE

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

06.08.2025

[1] Heard Mr. M. Ibotombi Sharma, learned counsel appearing for the applicant and Mr. T. Rajendra, learned counsel appearing for the respondent.

[2] The present application has been filed with a prayer for directing the learned Addl. District Judge (FTC), Manipur East to prepare decree of the order dated 22.12.2023 passed by the Addl. District Judge (FTC), Manipur East in Civil Appeal No. 1 of 2023 (reference OS No. 28 of 2016) as no decree has been prepared by the First Appellate Court.

[3] It may be noted here that the connected Regular Second Appeal No. 4 of 2024 has been filed by the Appellant without any certified copy of the decree and when the said Appeal was considered by this Court, an objection has been raised on behalf of the respondent about the maintainability of the said Regular Second Appeal on the ground that the

Regular Second Appeal has been filed without a certified or even a copy of the decree.

[4] The contention on behalf of the respondent is that Section 100 (1) of the CPC provides that the Second Appeal is against a decree and in absence of a decree, no Second Appeal lies. Accordingly, a preliminary objection about the maintainability of the Second Appeal has been raised on behalf of the respondents.

[5] In view of the objection raised on behalf of the respondent, and since no decree has been prepared by the First Appellate Court, this Court passed an order on 01.04.2025 in the connected Second Appeal directing the appellant to first approach the First Appellate Court by filing an application for preparing decree and declined to issue a direction to the First Appellate Court for preparing decree on the basis of the oral submission and prayer made by the learned counsel appearing for the appellant. It has also been made clear that if the appellant refuse to file an application on or before the next date, appropriate order will be passed.

[6] In spite of such clear cut directions and observations, the appellant till today has not filed any application and had not approached the First Appellate Court by filing application for preparing a decree. Instead the appellant approach this Court by filing the present application for issuing a direction to the First Appellate Court for preparing the decree. Even though, the appellant/applicant refuse to approach the First Appellate Court for

preparing a decree by filing an application, in the interest of justice, this Court dispose of this application by issuing the following direction:-

(1) The Court of Addl. District Judge (FTC), Manipur East is hereby directed to prepare decree of the order dated 22.12.2023 passed by a Civil Appeal No. 1 of 2023, in the event, the appellant approach it by filing appropriate application for preparing such decree.

[7] With the aforesaid direction, the present application is disposed of.

Sapana

JUDGE