

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

MC(CRP(CRP.Art.227)) No. 102 of 2025

With

CRP(CRP.Art.227) No. 32 of 2025

With

MC(CRP(CRP.Art.227)) No. 46 of 2025

With

MC(CRP(CRP.Art.227)) No. 47 of 2025

Tamenglong Baptist Church & 2 ors.

Applicants

Vs.

R.K. Duanpat & 10 ors.

Respondents

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

08.12.2025

This common order will now dispose of the captioned main Civil Revision Petition (CRP) and captioned 3 M.Cs (Miscellaneous Cases) therein.

2. In the hearing today, Mr. Serto T. Kom, learned counsel on record for 11 revision petitioners and Mr. N. Ibotombi, learned senior advocate appearing on behalf of Mr. K. R. Panmei, learned counsel on record for 3 respondents are before this Court.

3. A suit being O.S. No.4/2019 on the file of Court of Civil Judge(Jr. Div.), Tamenglong, Manipur is the nucleus of the captioned matter. This suit shall be referred to as 'said suit' and the court in which it is pending i.e., Court of Civil Judge(Jr. Div.), Tamenglong, Manipur shall

be referred to as 'Trial Court' (both for the sake of convenience and clarity).

4. In the Trial Court, the 11 revision petitioners before this Court are 11 plaintiffs and the 3 respondents before this Court are 3 defendants. Therefore, for the sake of convenience and clarity, from hereon and henceforth, parties in the captioned CRP shall be referred to by their respective ranks in the Trial Court. To put it differently, the 11 revision petitioners i.e., CRP petitioners shall be referred to as plaintiffs and 3 respondents in the instant CRP shall be referred to as defendants. To be noted, CRP petitioners 1-11 are plaintiffs 1-11 respectively and respondent No.1-3 in the captioned CRP are defendant No.1-3 respectively in trial Court.

5. A plaint dated 30.04.2019 was presented by the plaintiff in the Trial Court inter-alia with the prayers for declaration of title qua suit land, permanent injunction as regards the possession qua suit land, a further declaration that a deed dated 31.07.2024 executed by the defendant is not binding on the plaintiffs together with other incidental and ancillary reliefs.

6. After service of suit summon, D1 entered appearance on 20.06.2019 in the Trial Court and D2, D3 were impleaded on 10.07.2019. To be noted, D1 denotes first defendant and likewise, D2 & D3 second defendant and third defendant respectively.

7. D1 to D3 thereafter took a while for filing written statement. All the three defendants filed Judl. Misc. Case No. 27 of 2022 along with

common a written statement seeking Condonation of Delay (CoD) qua 413 days delay in filing written statement. This CoD application vide Judl. Misc. Case No. 27 of 2022, after full contest came to be dismissed by the Trial Court in and by an order dated 06.03.2024. Assailing this order, the defendants filed an appeal in the Court of District Judge, Tamenglong, Manipur (hereinafter, 'FAC' denoting First Appellate Court for the sake of convenience and clarity) purportedly under 'Order XLIII Rule 1(ℓ) of the Code of Civil Procedure, 1908' ('CPC' for the sake of brevity). FAC, after full contest, in and vide 'order dated 07.03.2025' ('impugned order' for the sake of convenience) allowed the appeal, set-aside the 06.03.2024 order of the trial Court and condoned the delay qua defendants in filing the common written statement. Assailing the impugned order the captioned CRP has been filed in this Court on 24.06.2025 by plaintiffs. In the CRP, an interim order has been granted by predecessor Bench on 02.07.2025 the same has been extended from time to time and it is operating. To be noted, interim order is one staying all further proceedings in Trial Court as well as the operation of the impugned order of FAC dated 02.07.2025.

8. In the hearing today, Mr. Serto T. Kom, learned counsel for the revision petitioners, submitted that notwithstanding many grounds and averments in the CRP petition he would predicate his campaign against the impugned order on one point and that one point is an appeal under Order XLIII Rule 1(ℓ) of CPC or for that matter under any other provision of CPC will not lie qua 06.03.2024 order of Trial Court as the same is one refusing to condone delay in filing the written statement. In

other words, the Condonation of Delay (CoD) order is not appealable is learned counsel say. As already alluded supra, learned counsel very fairly submitted that this is the lone point on which he is predicated his campaign against the impugned of the FAC.

9. In response to the above, Mr. N. Ibotombi, learned senior counsel appearing on behalf of the counsel for defendants very fairly accepted the obtaining legal position that an appeal much less an appeal under Order XLIII Rule 1(ℓ) of CPC qua an order rejecting a CoD application (CoD in filing a written statement) will not lie.

10. The afore-mentioned fair stand on both sides has made the task of disposal of captioned the CRP fairly simple. In other words, the legal drill at hand has become very simple.

11. Be that as it may, learned counsel for defendants made one request and that request, is the defendants shall file a separate CRP under Article 227 assailing the order of the Trial Court dated 06.03.2024 refusing condonation of delay in filing the common written statement and all rights and contentions of the defendants in this regard may please be preserved.

12. In the light of the fair stand taken by both sides, considering that there is no limitation for a CRP under Article 227, the same being constitutional remedy and taking into account the undisputed position that the afore-referred maintainability point was not raised before FAC, the request of learned counsel for defendants is acceded to.

13. In the light of the narrative thus far, captioned CRP and captioned M.Cs herein are disposed of in the following manner:

- (i) Captioned the main CRP is disposed of as closed;
- (ii) Consequently, captioned M.Cs thereat are also disposed of as closed;
- (iii) No view or opinion has been expressed on CoD application as the same has been left open for being decided in the legal drill if defendants filed an independent CRP assailing the CoD rejection order dated 06.03.2024 made by the Trial Court;
- (iv) Defendants undertake to file independent CRP within 1(one) week from today i.e., on or before 15.12.2025.
- (v) The proceedings in the Trial Court will be kept in abeyance for 1(one) week from today i.e., 15.12.2025.
- (vi) If the defendants do not file independent CRP on or before 15.12.2025, the Trial Court can proceed with the matter on its own merits in accordance with law.
- (vii) If the defendants file CRP on or before 15.12.2025, the Trial Court shall await orders of this Court, be it in interim order or orders in the main CRP.
- (viii) The closure of instant CRP shall not be construed as the impugned order being order dated 07.03.2025 made by FAC in Civil Misc. Appeal Case No.3 of 2024 having been sustained, likewise, it is not set-aside either. This question is left open for being considered in the CRP to be filed by the defendants, if filed within 1(one) week from today.

14. Captioned CRP and captioned M.Cs disposed of in the aforesaid manner. There shall be no order as to costs.

Ab. Surjit

CHIEF JUSTICE