

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
CRP (C.R.P. Art. 227) No. 47 of 2023**

Smt. Samjetsabam Bimola Devi

Petitioner

Vs.

Smt. Khoirom (O) Ibemcha Devi

Respondent

***Clubbed with
MC [CRP (C.R.P. Art. 227)] No. 43 of 2023***

BEFORE

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

19.09.2025

[1] A civil suit being Original (DECL) Suit No. 3 of 2022 on the file of the Civil Judge Junior Division, Imphal East, Manipur, is the fulcrum of the captioned CRP which has been filed under Article 227 of the Constitution. This suit shall be referred to as 'first Suit' for convenience. 'Court of Civil Judge Junior Division, Imphal East, Manipur,' shall be referred to as 'first Trial Court', also for convenience.

[2] The sole defendant in the first Suit is the revision petitioner before this Court.

[3] The parties in this CRP shall be referred to by their respective ranks in the first Suit for the sake of convenience and clarity. This means that the 'CRP petitioner' will be referred to as 'defendant' and the 'CRP respondent' shall be referred to as 'plaintiff'.

[4] Short facts are :

That, the plaintiff filed the first suit with a prayer to declare the Sale Deed dated 16.07.2019 as void;

That, the Sale deed shall be referred to as 'said Sale Deed';

That, the said Sale Deed is in favour of defendant;

That, pending Suit, defendant wanted to protect her possession of suit land;

That, it is to be noted that the suit property is agricultural land admeasuring .85 acres or thereabouts about in Village No. 57-Keirao Bitra, Imphal East, Manipur;

That, the Trial Court in and by an order dated 06.10.2022 in Judl. Misc. Case No. 129 of 2022 in first Suit, granted interim order protecting defendant's possession;

That, this interim order was carried in appeal by the plaintiff and the first Appellate Court in Misc. Civil Appeal Case No. 12 of 2022 on the file of Court of District Judge, Imphal East, interfered with the interim order granted by the first Trial Court and reversed the same. This is *vide* order dated 11.09.2023;

That, this 11.09.2023 order made by the first Appellate Court shall be referred to as 'impugned order' for the sake of convenience and clarity.

That, assailing the impugned order, the defendant seeks revision by this Court qua impugned order;

That, this Court has granted an interim order of status quo;

That, the interim order of status quo is operating.

[5] Today, in the hearing, Mr. Th. Henba, learned counsel for the defendant (CRP petitioner) and Mr. P. Tamphamani for plaintiff (CRP respondent) are before this Court.

[6] This Court had the benefit of perusing the case file and hearing the arguments of learned counsel on both sides.

[7] At the outset, both sides submit in one voice and in unison that the defendant has filed an independent suit being, Original Suit No. 36 of 2023 on the file of the Court of Civil Judge Senior Division, Imphal East, pleadings are complete and it is at issues stage. This suit shall be referred to as 'second Suit' for the sake of convenience and clarity. It is submitted that the second Suit is filed for rectification *qua* Sale Deed which is the subject matter of first Suit. Ideally-by now, parties should have taken steps for transfer of one of the two Suits to the other Court so that both Suits could either to be tried jointly or simultaneously but unfortunately, the same had not been done. Continuing the two Suits in two different Courts can lead to possible dichotomy or conflicting verdicts. This would not help either of the litigants. In this view of the matter, both the learned counsel very fairly submitted that they agree for transfer of the first Suit to the Court of Civil Judge Senior Division, Imphal East, Manipur, where

the second Suit is pending and both Suits can be tried together. When this Court writes to be tried together; it is made clear that it may either be joint trial or simultaneous trial but that will be at the discretion of the Presiding Officer.

[8] Reverting to the case on hand, though a very detailed order has been made by the first Appellate Court, the matter turns on two short points, and the two short points are as follows:

- (i) In cases where there is no superstructure, as regards immovable property, when it comes to testing possession, 'possession follows title' is the rule.
- (ii) The second point is a recital in the Sale Deed which is being assailed in the suit. This recital says that possession of suit land has been handed over by the vendor to the defendant. The relevant recital is recital No. 5 and the same reads as follows:

"5. That, the vendor has today delivered the actual physical possession of the aforesaid sold agricultural land (phourel class) which is morefully described in the schedule below unto the said vendee."

Owing to the afore-referred two points impugned order of first appellate court is being interfered with/disobeyed and interim order granted by Trial Court is restored.

[9] Both the suits are at an advanced stage as would be evident from allusion supra, therefore, this Court deems it appropriate to observe that Civil Judge Senior Division, Imphal East, shall make every endeavor to dispose of the two suits as expeditiously as the official business of the Court would permit.

This Court as a matter of abundant caution, verified the e-court website and as regards the second suit, the position is as follows:


E Courts Services



View Business

Daily Status

In The Court Of :Civil Judge Senior Division, Imphal East
CNR Number. :MNIE040004902023
Case Number. :O.S./0000036/2023
Thiyam Ongbi Sanjetsabam Bimola Devi **Versus** Khoirom
Ongbi Ibemcha Devi
Date :18-09-2025

Business	:	Present: Defendant by Ld. Counsel. None for plaintiff. It might be due to flood. Fix 30-10-2025 for framing of issues.
Next Purpose	:	Framing Of Issues
Next Hearing Date	:	30-10-2025
Civil Judge Senior Division, Imphal East		

As regards the first Suit, the download from the e-court website is as follows:


E Courts Services



View Business

Daily Status

In The Court Of :Civil Judge Junior Division/JMFC, Imphal East
CNR Number. :MNIE030000602022
Case Number. :O.S./0000003/2022
Khoirom O Ibemcha Devi **Versus** Samjetsabam Bimola Devi
Date :02-09-2025

Presentee	:	
Business	:	Parties by Ld counsels. PW No. 2 is partly examined.
Next Purpose	:	P.W. Hearing
Next Hearing Date	:	24-09-2025
Civil Judge Junior Division/JMFC, Imphal East		

[10] The sum sequitur of the narrative discussion and dispositive reasoning thus far is as follows:

- (i) First suit being Original (Decl.) Suit No. 3 of 2022 on the file of Court of Civil Judge Junior Division, Imphal East, Manipur, shall now stand transferred to Court of Civil Judge Senior Division, Imphal East, Manipur, on whose file, the second suit is pending.
- (ii) The aforesaid two suits shall be tried together *i.e.* either simultaneously or joint trial at the discretion of transferee Court as alluded to *supra*;
- (iii) The impugned order made by the first Appellate Court is set aside and the interim order granted by the first Trial Court is restored.

As already alluded to *supra*, the Civil Judge Senior Division, Imphal East, Manipur, shall make every endeavor to dispose of both the suits as expeditiously as the official business of the Court permits.

[11] Captioned CRP is disposed of in the aforesaid manner.

[12] Captioned Miscellaneous Case is consequently disposed of as closed.

There shall be no order as to costs.

CHIEF JUSTICE

Sandeep