

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

**CRP(CRP.Art.227) No.41 of 2025
With
MC(CRP(CRP.Art.227) No.68 of 2025**

K. Kunjabika Devi

Petitioner/s

Vs.

Y. Bikram Singh and Anr.

Respondent/s

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

(ORDER)

24.11.2025.

Captioned 'civil revision petition' ('CRP' for the sake of brevity) has been presented in this Court on 29.08.2025 under Article 227 of the Constitution of India seeking revision (assailing) an order dated 26.05.2025 made in Miscellaneous Civil Appeal Case No.3 of 2025 on the file of Court of learned District Judge, Imphal East. This 26.05.2025 order shall be referred to as 'impugned order' and the Court of learned District Judge, Imphal East which made the impugned order shall be referred to as 'First appellate Court' (for the sake of convenience and clarity).

2. Short facts are that the first respondent in the captioned CRP filed a suit being Original Suit No.41 of 2023 on the file of 'Court of learned Civil Judge (Junior Division), Imphal East, Manipur' ('Trial Court' for convenience) that the suit land is 'agricultural land ad measuring 0.66 acre or thereabouts in 12- Lairikyengbam Leikai, Tashil- Heingang Sub-Division, Porompat, Imphal East District, Manipur' ('suit land' for the sake of convenience); that the Original Suit No.41 of 2023 shall be referred to as 'said main suit'(for the sake of convenience); that said main suit was filed by the first respondent in the captioned revision with prayers for declaration of title and recovery of possession besides seeking permanent injunction besides seeking costs together with usual residuary limb prayer; that pending said main suit, plaintiff and defendant took out interlocutory applications seeking interim injunctions; that the interlocutory application taken out by the plaintiff in Judicial Miscellaneous Case No.127 of 2022 and interlocutory application taken out by the defendant is Judicial Misc. Case No.154 of 2023; that both the interlocutory applications were taken up together and disposed of by said Trial Court in and by a common order dated 04.05.2024 granting injunction in favour of plaintiff and restraining the defendant from entering the said suit and disturbing the peaceful possession qua suit land till the disposal of the suit; that the aggrieved defendants carried the matter in appeal to first Appellate Court by way of an appeal under Order XLIII Rule 1(r) of 'the

Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) assailing 04.05.2025 order; that the first Appellate Court in and by impugned order, modified the injunction in favour of the plaintiff as one of status-quo primarily on the ground that even according to pleadings of the plaintiff, the first defendant has encroached upon the suit land; that first defendant is ploughing the same; that assailing the impugned order the plaintiff has filed captioned CRP.

3. Today Mr. Tapan Sharma, learned counsel for CRP petitioner and Mr. E. Dayali for respondent No.1 in the CRP (D.1 in the Trial Court) are before this Court. To be noted, Mr. E. Dayali, learned counsel is before this Court on behalf of the respondent No.2 also. It is further to be noted that respondent No.2 is a proforma respondent.

4. Captioned main CRP was taken up and heard out with consent of learned counsel on both sides.

5. Learned counsel for CRP petitioner submitted that plaintiff has a very good case on merits and the suit land belongs to the plaintiff. Learned counsel for the respondents submitted to the contrary and learned counsel for respondents submitted that first respondent in CRP who is first defendant in the suit has made a counter claim qua title for suit land and first defendant has a very good case on merits.

6. This Article 227 Court is of the view that merits of the adversaries in the said main suit in the trial Court has to be decided only in the Trial and therefore this Court refrains itself from expressing any view or opinion on the afore-referred rival contentions.

7. Reverting to impugned order, it is an interlocutory order in application inter-alia under Order XXXIX Rules 1 & 2 of CPC. In the case on hand, as rightly observed by the first Appellate Court in the impugned order the plaintiff in pleadings itself (paragraph 11 of the plaint to set out with specificity) has categorically averred that the first defendant on 02.06.2023 encroached upon plaintiff's suit land and is illegally ploughing the same using a tractor.

8. Be that as it may, the clinching factor is, plaintiff has made a specific prayer for delivery of possession qua suit land by evicting the defendants. This means, according to plaintiff, first defendant encroached upon the suit land and defendants are in possession of suit land. Therefore whether the defendants are entitled to continue to be in possession or whether plaintiff would be entitled to delivery of possession by evicting defendants is a matter which has to be answered by the Trial Court in the said main suit. Therefore, the impugned order does not call for interference as granting injunction in favour of plaintiff

amounts to decreeing the said main suit itself, when the plaintiff himself has averred/pleaded that the first defendant had encroached upon the suit land and has sought a decree for delivery of possession by evicting the defendants. To be noted, the defendants have made a counter claim inter-alia qua title and they are contending to the contrary. In this view of the matter, this Court has no hesitation in writing that the first appellate Court was correct in modifying the order of injunction in favour of plaintiff(granted by Trial Court) as one of status-quo qua both parties.

9. This Court went into the e-Court website of District Judiciary and it is seen that main suit is now listed on 19.12.2025 for plaintiff to file list of witnesses. This means that Trial is in the anvil. To be noted, both learned counsel submit that this is the correct position as regard the stage of the said main suit in the said Trial Court.

10. Let the Trial proceed on its own merits and in accordance with law untrammelled by instant order or for that matter order of the first Appellate Court (impugned order) which is being sustained by this Court.

11. Ergo, the sequitur is, captioned CRP fails, the same is dismissed, impugned order is sustained (impugned order 26.05.2025 made by District Judge, Imphal East) albeit with the aforementioned observation

that the trial Court shall proceed with said main suit on its own merits and in accordance with law, untrammelled by instant order. There shall be no order as to costs.

CHIEF JUSTICE

Ab. Surjit