

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

**RSA No. 5 of 2016 with
MC(RSA) No. 1 of 2025**

Shri Yumnam Chandra Singh, aged about 77 years, S/o late Y. Gouro Singh, resident of Kakwa Laishram SelungbaLeikai, P.S. Singjamei, Imphal died by Lrs:-

1. Yumnam Ongbi Radhamani Devi, aged about 70 years, wife of late Y. Chandra Singh, resident of Kakwa Laishram SelungbaLeikai, P.O. & P.S.- Singjamei, District- Imphal East, Manipur
2. Yumnam Ranachandra Singh, aged about 44 years, son of late Y. Chandra Singh, resident of Kakwa Laishram SelungbaLeikai, P.O. & P.S.- Singjamei, District- Imphal West, Manipur
3. Nongthombam Ongbi YumnamDevrani Devi, aged about 51 years, daughter of late Y. Chandra Singh and wife of N. Bimolchand Singh, resident of KongbaUchekon, P.O.- Singjamei & P.S.- Irilbung, District- Imphal East, Manipur
4. Richa Yumnam, aged about 48 years, daughter of late Y. Chandra Singh, resident of Kakwa Laishram SelungbaLeikai, P.O. & P.S.- Singjamei, District- Imphal West, Manipur
5. Leishangthem Ongbi Yumnam Marina Devi, aged about 42 years, daughter of late Y. Chandra Singh and wife of L. Binoy Singh, resident of Yumnam Leikai, P.O. & P.S.- Singjamei, District- Imphal West, Manipur
6. Yumnam Rezia Chanu, aged about 41 years, daughter of late Y. Chandra Singh, resident of Kakwa Laishram Selungba Leikai, P.O. & P.S.- Singjamei, District- Imphal West, Manipur

..... Appellant/s

Versus

1. Shri Yumnam Tomba Singh, aged about 67 years, S/o late Y. Gouro Singh, resident of Kakwa Lamdaibung (Laishram Selungba Leikai), P.S. Singjamei, Imphal died on 3/8/2016 by his LRs
 - i. Yumnam Mema Devi, aged about 66 years, wife of late Y. Tomba Singh, resident of

- Kakwa Leiphrakpam Leikai PO&PS Singjamei, Imphal West, Manipur
- ii. Yumnam Kanta Mangang, aged about 47 years, son of late Y. Tomba Singh, resident of Kakwa Leiphrakpam Leikai PO&PS Singjamei, Imphal West, Manipur
 - iii. Yumnam Basanta Mangang, aged about 44 years, son of late Y. Tomba Singh, resident of Kakwa Leiphrakpam Leikai PO&PS Singjamei, Imphal West, Manipur
 - iv. Yumnam Basanti Chanu, aged about 41 years, daughter of late Y. Tomba Singh, resident of Kakwa Leiphrakpam Leikai PO&PS Singjamei, Imphal West, Manipur
 - v. Yumnam Ningol Wangkhem Ongbi Surjabala Devi, aged about 38 years, wife of W. Arunkumar and daughter of late Y. Tomba Singh, resident of Kakwa Lamdaibung PO&PS Singjamei, Imphal West, Manipur
 - vi. Yumnam Ningol Hanjabam Tejbala Devi aged about 35 years, wife of H. Mohon Sharma and daughter of late Y. Tomba Singh, presently residing at Kakwa Leiphrakpam Leikai PO&PS Singjamei, Imphal West, Manipur
 - vii. Yumnam Ningol Konthoujam Ongbi Sunanda Devi aged about 32 years, wife of Konthoujam Sanjoy Singh and daughter of late Y. Tomba Singh, resident of Moirang Tera Khongsangbi, PO & PS: Moirang, District- Bishnupur, Manipur

.....**Principal Respondent**

1. Shri Wangkhem Chaoba Singh, aged about 70 years, S/o Late W. Tampha Singh of Kakwa Laiphrakpam Leikai, P.S. Singjamei, Imphal died on 03/09/2006 (LRs were exempted from bringing).
2. Shri Wangkhem Sangai Singh, aged about 66 years, S/o Late W. Tampha Singh of Kakwa Laiphrakpam Leikai/ Laishram Selungba Leikai, P.S. Singjamei, Imphal died on 12/01/2001 and represented by his legal representatives :-
 - i. Smt. Wangkhem Ongbi Madhuri Devi, W/o Late W. Sangai Singh of Kakwa

- Laiphrakpam Leikai, P.O. and P.S. Singjamei (died by LRs already on record)
- ii. Shri Wangkhem Manglem Singh, S/o Late W. Sangai Singh of Kakwa Laiphrakpam Leikai, P.O. and P.S. Singjamei
 - iii. Shri Wangkhem Ramesh Singh, S/o Late W. Sangai Singh of Kakwa Laiphrakpam Leikai, P.O. and P.S. Singjamei (died on 20/8/2014) by his LRs.
 - a) Wangkhem ongbi Ranjita Devi @ Innu, aged about 24 years, w/o Late W. Ramesh Singh of Kakwa Laiphrakpam Leikai, P.O. and P.S. Singjamei .
 - b) Wangkhem Malemnganbi Devi, aged about 3 years, d/o late W. Ramesh Singh represented by her natural mother, Wangkhem Ongbi Ranjita Devi of Kakwa Laiphrakpam Leikai, P.O. and P.S. Singjamei
 - iv. Wangkhem Bimola Devi, D/o Late W. Sangai Singh and wife of Wahengbam Samananda Singh of Uripok Polem Leikai, P.O. & P.S.-Lamphel, Imphal West District, Manipur.
 - v. Wangkhem Shantibala Devi, D/o Late W. Sangai Singh and wife of R.K. Sanajaoba Singh of Haobam Marak Keisham Leikai, Imphal West District, Manipur.
 - vi. Wangkhem Binapani Devi, D/o Late W. Sangai Singh and wife of Ningthoujam Jayadev Singh of Yaishkul Jamastan, Imphal West District, Manipur
 - vii. Wangkhem Memi Devi, D/o Late W. Sangai Singh and wife of Konthoujam Somorendro Singh of Singjamei Thongam Leikai, Imphal West District, Manipur.
 - viii. Wangkhem Modhubala Devi, D/o Late W. Sangai Singh and wife of late Heisnam Lalit of Haobam Marak, Imphal West District, Manipur.
 - ix. Wangkhem Radhapriyari Devi, D/o Late W. Sangai Singh and wife of Shiv Sankar, now residing at Quarter No. 362-C, Railway Officer Enclave, Gandhi Nagar, Bangalore, Pin No. 560023, Karnataka.
3. Shri Yumnam Gouro Singh, aged about 81 years, S/o Late Netra Singh of Kakwa Laishram Selungba Leikai, P.S. Singjamei, Imphal, died on

26/01/2014. (LRS were exempted from bringing by the order of the trial court).

.....*Pro-forma Respondents*

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Compromised Order
05.08.2025

[1] On 04.02.2025, Mr. Th. Henba, learned counsel along with Mr. Y. Ranachandra Singh and Mrs. Richa Yumnam, LR's of the deceased appellants and Mr. K. Achouba, learned counsel along with Mr. E. Dayali, learned counsel and Mr. Yumnam Basanta Mangang, one of the LR's of the deceased respondent No. 1 appeared before this Court in chamber for mutual settlement of the pending second appeal in terms of the joint application being MC(RSA) No. 1 of 2025 filed under the provisions of the Order 23 Rule 1 of Code of Civil Procedure, 1908.

[2] The parties filed an application being MC(RSA) No. 1 of 2025 in RSA No. 5 of 2016 under the provisions of Order 23 Rule 1 CPC, 1908 for amicable settlement of the second appeal pending before this Court on mutual understanding that both parties will share 50% each of the suit land.

[3] The application is signed by the LR's of the contesting parties before this Court i.e. plaintiff and defendant No. 1. Plaintiff namely Yumnam Chandra Singh and defendant No. 1 namely Yumnam Tomba Singh are the sons of Y. Gouro Singh who is original owner of the suit land. The homestead land having an area of .27 acre (0.1099 hactre) under C.S. Dag No. 112 of patta No. 63/42(old)/11(new)/WT(II) recorded

in the name of Yumnam Chandra Singh (plaintiff) which is now erroneously/falsely shown to be comprised of Dag No. 137/161 of patta No. 63/11(old-part)/83/131 (new)/WT in the name of Yumnam Tomba Singh (Principal Defendant) which is situated at Laiphrakpam Leikai, Imphal West and found as follows:-

North:- Homestead land of Wangthem Sangai Singh;

South:- Homestead land of Thounaojam Nipamacha Singh;

East:- Burma (Myanmar) Road;

West:- Agricultural-cum-homestead land of Leimapokpam Shyamjai Singh.

[4] The plaintiff filed a suit being O.S. No. 15 of 1997 before the then Court of Civil Judge (Sr. Division No. 1), Manipur East, Imphal (now Senior Judge), Imphal West inter-alia praying that the suit land was gifted to him by his father i.e. defendant No. 4 by a registered deed and for cancellation of the 4 (four) sale deeds dated 10.10.1996. Defendant No. 1 also filed a counter claim praying that he purchased the suit land from his father i.e. defendant No. 4 by a registered sale deed and for cancelling the gift deed of the plaintiff.

[5] Vide judgment and decree dated 23.09.2014 passed by the then Civil Judge (Sr. Division No. 1), Imphal East, both the suit and the counter claim were dismissed. Against the said order, only plaintiff preferred the first appeal being RFA No. 14 of 2014/7 of 2015 before the Court of District Judge, Imphal West and vide judgment and decree dated 19.01.2016, the appeal preferred by the plaintiff was also dismissed.

[6] It may be noted that the defendant No. 1 did not file any appeal against the dismissal of the counter claim. Being aggrieved by the dismissal of the first appeal, the original plaintiff preferred the regular second appeal being RSA No. 5 of 2016 before this Court and the same is pending for adjudication.

[7] The defendant No. 4 had seven children including the plaintiff and defendant No. 1. However, vide order dated 29.08.2014 passed by the Ld. Civil Judge (Sr. Division No. 1), Manipur East, Judl. Misc. Case No. 386 of 2024 [Ref: O.S. No. 15 of 1997] filed under Order 22 Rule 4 (iv) read with Section 151 CPC for exemption for filing LR's of defendant No. 4 was allowed as deceased defendant No.4 failed to appear and contest the case by filing written statement.

[8] Since the order dated 29.08.2014, Ld. Civil Judge (Sr. Division No. 1), Manipur East allowing the application filed by plaintiff for exempting from bringing on record the remaining children of the deceased defendant No. 4 on record, this order attained finality and hence, the other children of defendant No. 4 were not brought on record before the first appellate court and also before this court.

[9] On 02.04.2024, during the course of hearing, the learned counsel for the parties made a request to find out an amicable settlement and accordingly, on 13.04.2024, 30.04.2024, 13.06.2024, 23.07.2024 & 27.08.2024, the parties appeared in person before this Court for an amicable settlement.

[10] On 24.09.2024, learned counsel appearing for the parties submitted that the parties are on the verge of bringing an amicable

settlement and in the circumstances. On 04.02.2025, the parties appeared before this Court in chamber with an application being MC(RSA) No. 1 of 2025 containing the terms and conditions of settlement has been filed which is reproduced below:

- “(i) That the plaintiff hereinafter shall mean the legal heirs late Yumnam Chandra Singh only and the defendant No. 1 hereinafter shall mean the legal heirs late Yumnam Tomba Singh only and as a portion of 0.045 (Zero point zero four five) acre out of the suit land admeasuring an area 0.27 acre under CS Dag No. 112 under patta No. 42 (old)/11(new) of Revenue village No. 63-Laiphrakpam Leikai, Imphal West had been acquired by the State government for widening the National High Way the area of suit land has been reduced to 0.225 (zero point two two five) acre shall hereinafter be meant and referred as the present suit land and the said area of 0.27 (zero point two seven) acre shall hereinafter be meant and referred as the former suit land.*
- (ii) That the defendant No. 1 shall get (Rs. 1,16,910/- + Rs. 36,769/-) = Rs. 1,53,679/- (Rupees one lakh fifty three thousand six hundred seventy nine) only and the plaintiff shall get Rs. 36,769/- (Rupees thirty six thousand seven hundred sixty nine) only out of the award of Rs. 1,90,448/- (Rupees one lakh ninety thousand four hundred forty eight) only issued in the name of the Y. Chandra Singh for the acquisition of an area of 0.045 (Zero point zero four five) acre by the State Government, out of the said former suit land admeasuring an area 1.27 acre under CS Dag No. 112 under patta No. 42 (Old)/11 (new) of Revenue Village No. 63- Laiphrakpam Leikai, Imphal West.”*
- (iii) That the defendant No. 1 shall own and possess the northern half i.e. the area of 0.1125 (zero point one one two five) acre of the present suit land and plaintiff shall own and possess the remaining southern half portion i.e. the area of 0.1125 (zero point one one two five) acre of the present suit land. The plaintiff and defendant No. 1 shall voluntarily do handing over and taking over of possession of their respective share of land by demolishing any structure found encroaching upon the share of one another.*
- (iv) That if the plaintiff desires to sell whole or any portion out of his share, the defendant No. 1 shall have first option of right to purchase and therefore prior notice/information shall be given. Similarly if the*

defendant No. 1 desires to sell whole or any portion out of his share the plaintiff shall have first option of right to purchase and therefore prior notice/information shall be given. However there shall not be such right of first option to purchase when the transfer is within their respective family members.

(v) *That the plaintiff and defendant No. 1 shall give co-operation to one another for doing the needful for proper demarcation and preparation of separate jamabandi in their names.*

(vi) *That the plaintiff and defendant No. 1 shall bear their respecting own costs of the litigation.”*

[11] During the course of hearing, the representatives of the original plaintiff and original defendant No. 1 inform this Court that they are authorized by the other LRs and confirm the genuineness of the terms of settlement and stated that the second appeal may be disposed of in terms of the agreement.

[12] This Court has perused the application including the terms of agreement and after interaction with the representatives of the parties satisfied that the settlement is genuine and is in the interest of the parties. Accordingly, the second appeal is disposed of in terms of the above conditions mentioned in Para 10.

[13] It is stated that the possession of the suit land is with the LRs of the original defendant No. 1 and in case upon the division of the suit land in two halves, the existing structures of the LRs of defendant No. 1 will be affected and require demolition/modification/reallocation and the same will require a considerable time.

[14] Accordingly, parties have agreed that the LRs of defendant No. 1 shall handover the vacant position, half share of the suit land to the LRs of the plaintiff on or before 31.03.2026. The parties also further agree

that the existing old structure constructed by defendant No. 4 which is existing in the middle of the suit land covering shares of both the parties be preserved as it is.

[15] The decree of the original court as well as the first appellate court are modified in terms of the above settlement.

[16] Registry is directed to prepare the second appellate decree.

[17] Send a copy of the judgment/decreed to the Deputy Commissioner, Imphal West for entering names of the LRs of plaintiff and defendant No. 1 in the land record in their respective shares and issue separate patta in terms of Rule 90 of the MLR & LR Rules, 1961.

JUDGE

Kh. Joshua Maring

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