

Sl. No.5-6(spl)

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

**CRP(C.R.P Art.227) No.49 of 2025
With
MC(CRP(CRP Art.227) No.85 of 2025**

Shri Langzoulia and 2 Ors.

Petitioner/s

Vs.

Shri H. Timmy Gangte

Respondent/s

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

(ORDER)

09.10.2025.

Captioned 'civil revision petition'('CRP' for the sake of brevity) has been filed in this Court under Article 227 of the Constitution of India assailing/seeking revision of an order dated 11.08.2025 made in Judl. Misc.Case No.31 of 2025 in Original Suit (Injunction) No.6 of 2024 on the file of Civil Judge(Junior Division), Churachandpur.

2. This order dated 11.08.2025 shall be referred to as 'impugned order' and Civil Judge (Jr. Divn.), Churachandpur shall be referred to as 'Trial Court' (both for sake of convenience and clarity).

3. Factual matrix in a nutshell is;

That, one H.Timmy Gangte filed a bare Injunction Suit arraying three individuals as defendants;

That, the bare Injunction pertains to 18.07 acres of land in Revenue Village No.105 Kekru Tampak, Churachandpur, Manipur that the 18.07 acres of land is in two parcels of 3.07 in 18 acres lying contiguous to one another covered by C.S Dag. No.205/222 & 205/223 respectively;

That, 18.07 acres of land shall be referred to as 'suit land' for sake of convenience and clarity;

That, the three defendants on being served suit summon entered appearance and filed a common written statement dated 28.01.2025. That, after filing written statement, the three defendants took out an application under Order VII Rule 11 of 'Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) seeking rejection of plaint on two grounds, one ground is that it does not disclose a course of action and the second ground is that it is barred by law; that the rejection of plaint application is Judicial Misc. Case No.31 of 2025; that, Judicial Misc. Case No.31 of 2025 i.e., rejection of plaint application came to be dismissed(after full contest) by the Trial Court in vide the impugned order; that the three defendants stating that they are aggrieved by the impugned order have filed the captioned revision petition in this Court under Article 227 of the Constitution of India.

4. Mr. Thangchunghung, learned counsel for revision petitioner submitted that the suit is inter-alia barred by the Section 123 of the 'Transfer of Property Act, 1882 (4 of 1882)' ('TP Act' for sake the of convenience and clarity), Section 17 of the Registration Act, 1908 (16 of

1908) ('Registration Act' for the sake of brevity) and also Rules 82 to 84 of 'Manipur Land Revenue and Land Reform Rule, 1961' ('said rules' for the sake of convenience).

5. A careful perusal of the rejection of plaint application brings to light that there is a reference only to Sections 38 and 39 of 'Specific Relief Act, 1963' ('Specific Relief Act' for the sake of convenience). In other words, in the rejection of the plaint application, defendants have submitted that the suit is barred by Section 38 and 39 of Specific Relief Act, there is no mention about the TP Act, Registration Act or said Rules. Learned counsel very fairly submitted that the point that the suit is barred by Section 123 of TP Act, Section 17 of Registration Act and Rule 82 to 85 of the said rules were raised only in the arguments.

6. It is to be noted that rejection of plaint application was taken out under clauses (a) and (b) of Rule 11 of Order VII of CPC. To put it differently, as already alluded to supra, the rejection of the plaint plea was predicated on two grounds. One is that the suit does not disclose a cause of action and another is that it is barred by Sections 38 and 39 of the Specific Relief Act Besides this Section 123 of TP Act, Section 17 of Registration Act and Rules 82 to 85 of the said rules was raised only in the argument about which also there is allusion supra. This Court heard the learned counsel for revision petitioner in the admission board, perused the impugned order and the case file. This Court comes to the conclusion that the captioned 'CRP' is bereft of merits and the same deserves to be dismissed. The reasons are as follows:

- A. The defendants have not pleaded in the rejection of plaint application as regards Section 123 of T.P Act, Section 17 of Registration Act and Rules 82-85 of said Rules. It was only raised in the argument and this by itself is unacceptable but as regards to Section 123 of T.P Act and Section 17 of Registration Act, as the Trial Court has considered the same vide the impugned order, the same is being looked into.
- B. As regards, the suit being barred by law, there can be no two opinions about obtaining legal position that it should so appear from the statement in the plaint. This is clear from the language in which Clause d of Rule 11 of the order VII of CPC is couched whereas there is nothing demonstrated qua plaint i.e., nothing demonstrated in the legal drill at hand.
- C. The Trial Court, in the impugned order has read the plaint as a whole and come to the conclusion that the suit is not barred by law on the reasoning that declaration of title need to be claimed only when there is a cloud over the title and these have to be proved in a manner known to law in Trial. This Court finds this to be a sound approach and there is no reason to interfere in such an approach taken by the Trial Court.
- D. As regards, Sections 38 and 39 of Specific Relief Act, the Trial Court is correct in observing that declaration prayer needs to be sought only when there is a cloud on the title. It does not come to light from the averment in the plaint that there is such a cloud

warranting a finding that the suit is barred for not making a declaration of the title a prayer.

- E. As regards, Section 123 of TP Act, 17 of Registration Act and Rules 82-85 of said rules which pertains to the document on which the plaintiff is predicating his claim and it has to be proved in Trial in a manner known to law. Mutation is a consequence and it is to be noted Rule 82-85 deals with Mutation.
- F. As regards, the cause of action plea, there can be no dispute that cause of action is a term /expression which has not been defined in any statute much less in CPC cause of action is a term/expression which has been explained in a catena of judgments of Hon'ble Supreme Court and ***Om Prakash Srivastava Vs Union of India and Another(2006) 6 SCC 207*** can be usefully referred to Om Prakash Srivastava case is one where on facts, Delhi High Court was approached by stating that petitioner has come to India by way of extradition from Singapore and he is being pursued in as many as 8 cases in violation of extradition treaty. It is not necessary to dilate more on facts, suffice to say that vide Para No.9 made it clear that the bundle of facts which need to be proved by plaintiff to be entitled to a decree would constitute cause of action. In the case at hand, as the plaintiff has pleaded that there is interference qua suit land it cannot be gainsaid that plaint does not disclose a cause of action. In the impugned order, the Trial Court has made clear and categorical reference to various averments in

the plaint, particularly averments in paragraph 4, 6, 7, 8, 9 to 10. The pleadings in these paragraphs pertain to long possession, recognition mutation of records Municipal tax payment, Settlement registration entry and Specific Act for interference, Specific act for interference, is pleaded in paragraphs 9-10 and therefore, it cannot be gainsaid that there is no cause of action disclose qua plaint.

G. The Trial Court has adverted to various case laws starting from ***Anivandandam Vs. T.V. Satypal, (1977) 4 SCC 467, and Popat & Kotecha Property Vs. State Bank of India Staff Assn.,(2005) 7 SCC 510*** as regards the scope of a legal drill in a Order VII Rule 11 plea. The Trial Court has also referred to ***Mukund Bhawan Trust 2024 INSC 1025*** as well as ***The Church of Christ Charitable Trust case*** reported ***in 2012)8 SCC 706*** for the proposition that the plaint has to be tested on averment threat. It is not necessary to dilate on this aspect of the matter as these are very well settled principles.

H. Learned counsel made a specific reference to Anathurlar Sudakar case. After referring to Anathular Sudakar case, the trial Court has held that (Anthular Sudakar case is (2008) 4 SCC 594), after referring to Anathular Sudakar case, the Trial Court has concluded that it is an authority for the proposition that a suit for bare injunction without seeking declaration is not maintainable title is in dispute. Thereafter The Trial Court has come to the conclusion

that case is on hand is one where title is not in dispute, there is no cloud over the title and therefore not making prayer for declaration of title does not warrant rejection of plaint much less rejection of the plaint in a legal drill under Order VII Rule 11(d) of CPC.

7. This Court having set out the reason for concluding that the captioned 'CRP' deserves to be dismissed deems it appropriate to make it clear that as regards main suit, the pleadings are complete (as can be seen from the case file). The defendant can put forth raise all these points in Trial.

8. Though obvious, for the sake of specificity, this court deems it appropriate to clarify that it is open to the defendants to raise all the aforesaid points in trial, untrammelled by instant order. To put it differently, all the points raised by the defendant in rejection of plaint application which has been declined by trial Court and this Court can be raised by the defendants in trial and same shall be considered by the trial court on its own merits and in accordance with law untrammelled by instant order as the instant order will neither impede nor serve as impetus to any of the parties in trial.

9. Parties will do well to have the trial concluded at the earliest and invite a verdict in the main suit from the Trial court

10. Captioned CRP is dismissed as already alluded to supra elsewhere in this order. There shall no order as to costs.

11. Consequently, captioned MC also perish as with main CRP and the same is also dismissed. There shall no order as to cost in MC too.

CHIEF JUSTICE

Ab. Surjit