

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

CRP(C.R.P. Art.227) No.56 of 2024

With

MC(CRP(CRP Art.227)No.91 of 2024

Smt. Laishram Monica Chanu, aged about 44 years, D/o(Late) Laishram Shyamkishore Singh and presently residing C/o Ningthoujam Geoffrey at Sagolband Moirang Leikai, PO & PS Imphal, in Imphal West District, Manipur-795001.

Petitioner

-Vs-

Shri Ningthoujam Geoffrey, IAS, aged about 44 years, S/o Ningthoujam Nimai Singh, a resident of Sagolband Moirang Leirak, PO & PS Imphal, in Imphal West District, Manipur-795001.

Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR

ORDER
(Oral)

28.02.2025

[1] Ms. N. Savitri, learned counsel, appears for the petitioner and Mr. M. Birendrajit Singh, learned counsel, appears for the respondent.

[2] The present Civil Revision Petition has been filed against the order passed in Judl. Misc. Case No.312 of 2024 and for a direction to allow the petitioner/wife to produce 7(seven) additional Witnesses to give evidence in the said Mat.(Divorce) Suit No.132 of 2019.

[3] According to the petitioner, the petitioner and the respondent got married on 26.02.2012 in accordance with the rites and rituals of Manipuri Hindu

customs, both of them started living as husband and wife, since then and out of the wedlock a daughter namely Ningthibi was born in the month of December, 2012. After living together for about 7/8 years, the respondent herein filed a Matrimonial Case, being Mat.(Divorce) Suit No.132 of 2019, before the Ld. Family Court, Manipur at Lamphelpat seeking to dissolve their marriage by passing a decree of Divorce on the ground of cruelty and irretrievable breakdown of marriage between the parties. The Respondent/husband also filed a Judicial Separation Suit, in Suit Mat. (Judicial Separation) suit No. 2 of 2020, before the Ld. Family Court, Manipur, seeking for a decree of Judicial Separation till their marriage is dissolved by a decree of Divorce and the said Separation Suit was disposed of vide order dated 02.12.2022 as withdrawn with liberty to file a fresh Suit subject to the payment of cost Rs. 20,000 (Rupees Twenty Thousand) only to be paid to the Respondent herein.

[4] The Petitioner/wife also file a Domestic Violence Case, being Cril. (C) D.V. Case No. 8 of 2020, before the Ld. Judicial Magistrate First Class, Imphal West-II at Lamphelpat, praying inter alia to grant a protection order, a custody order, a residence order and a monetary compensation order and ex-parte interim order was passed on 07.03.2020, granting the interim protection order, a residence order and a custody of the minor daughter in favour of the present petitioner/ wife. Challenging the said order, the respondent/husband preferred an appeal, being Criminal Appeal No.2 of 2020 before the Ld. Session Court, Imphal West, against the order dated 07.03.2020 before the Ld. Judicial Magistrate First Class, Imphal West-II. The learned Sessions Judge also disposed of the said appeal

modifying the order passed of the Ld. Judicial Magistrate First Class, Imphal West-II. Challenging that order, he has filed Cril. Petition No.21 of 2020 under Section 482 of Cr.P.C before this Court and interim order is also granted.

[5] The petitioner/wife had filed Misc. Application, being Misc. Case(Cril.Petn) No.5 of 2023 praying inter alia to dismiss the Criminal Petition on the ground of non-maintainability of the petition under Section 482 of the Cr.P.C and the same is pending. According to the petitioner that the aforesaid suit is listed before this Court and respondent/husband attempted to dispose of the suit at the earliest and other proceedings are pending before the other court. The petitioner has filed application before the Family court, Manipur praying for allowing to produce 7(seven) independent additional witnesses to give evidence and the said additional witnesses were not included in the initial list of witnesses presented before the Family court, Manipur. But now, the aforesaid independent witnesses are ready for taking evidence and the said application is filed before the Family Court and the same was dismissed by accepting the written objection made by the respondent herein. Challenging the said dismissal of the application, the petitioner has filed the instant Civil Revision Petition before this Court. Though several grounds has been raised in the aforesaid Civil Revision Petition before this Court inter-alia alleging that the aforesaid 7(seven) additional witnesses are to be examined in the interest of the petitioner to support the case before the Family Court. If these 7(seven) additional witnesses are being examined in support of the case does not take away the power of the learned court, which are not in the initial list of witnesses. Therefore, according to the petitioner, the rejection of the

application is liable to be set aside. Under such circumstances, the petitioner has to establish her legal rights before the Family Court in support of the contentions raised in the written submissions before the Family Court.

[6] After elaborate discussions, the learned counsel appearing for the respondent has strongly objecting on the ground that the petitioner has made an attempt to drag on the said proceedings before the trial court. They are not cooperating for the early disposal of Mat.(Divorce) Suit No. 132 of 2019. At the verge of the trial, the said application is being filed before the trial court for dragging the said suit and on these grounds, he is strongly objecting for the said Criminal Revision Petition filed by the petitioner herein. According to him, though the petitioner had time bound examination of these additional witnesses, then the respondent may not have serious objection for allowing the said application. To show bonafide, the petitioner has to come out with clear instruction regarding the time bound disposal of the said suit by examining the said 7(seven) additional witnesses. The learned counsel appearing for the petitioner states that the petitioner is interested for examination of additional witnesses as shown in the additional list of witnesses in the said application and therefore, they are ready to cooperate for disposal of the aforesaid suit within the time stipulated by this Court and accordingly, they need 3(three) months' time for completing her examination of witnesses in the aforesaid suit pending before the Family Court and undertakes that the petitioner will cooperate for early disposal of the suit and undertakes that no further time will seek for examination of the witnesses.

[7] In view of the aforesaid submissions made by the parties concerned, this Court is of the view that the aforesaid suit is filed by the respondent/husband in Mat.(Divorce) Suit No. 132 of 2019 and the matter is pending for more than 6(six) years and the suit is in the final stage of hearing and the instant application is filed at time of trial in the suit.

[8] Considering the submissions of the parties, this Court is of the view, to consider to grant one more opportunity to the petitioner, to produce additional witnesses in the Family court and the said witnesses are to be examined within the time framed by this Court failing which, the petitioner cannot have right seeking for further time for examination of the witnesses before the Family Court. In view of the undertaking given by the learned counsel appearing for the petitioner, the order of the Judl. Misc. Case No.312 of 2024 dated 17.12.2024 is set aside and permitted the petitioner to produce 7(seven) additional witnesses to give evidence in the aforesaid suit. The petitioner and the respondent shall cooperate for the examination of the witnesses and the entire examination is to be completed within a period of 3(three) months from the date of receipt of a copy of this order. It is made clear that no further time will be granted under any circumstances.

[9] In view of the above observations, the impugned order is set aside, the instant Civil Revision Petition is allowed and consequently, Misc. Case is closed.

CHIEF JUSTICE

John Kom