

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

CRP(C.R.P. Art.227)No.65 of 2022

Haobijam Nabachandra Singh

Petitioner

Vs.

Laimayum Indira Devi & Anr.

Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. KEMPAIAH SOMASHEKAR
(O R D E R)

14.07.2025.

[1] This petition has been filed by the petitioner/plaintiff challenging the order rendered by the Court of Civil Judge(Senior Division), Imphal East Manipur dated 29.10.2022 and whereby rejecting the application filed under Order 8 Rule 9 of CPC for filing rejoinder to the subsequent pleadings.

[2] Heard Mr. Siddarth, learned counsel for the petitioner and Mr. Thangchungnung, learned counsel for the respondents who is appearing through video conferencing.

[3] The petitioner herein being the plaintiff and wherein initiated the suit against the defendants for Specific Performance of Contract in respect of the Schedule, Suitland depicted therein. The plaintiff has initiated the Original suit against the defendants as per the agreement entered in between the parties and whereby in the aforesaid Original suit seeking for permanent

injunctive reliefs against the defendants on disturbing a peaceful possession of the Suitland property depicted therein and so also seeking some directions to the concerned authority for recording the name of plaintiff as pattadar of the Suitland.

[4] Whereas the learned counsel for the petitioner/plaintiff has submitted that the plaintiff has also constructed his own chamber and stay thereon as owner. The plaintiff has incurred more than Rs. 15,00,000/-(fifteen lakhs only) on the correction, repairing development to the half broken inside the Suitland.

[5] Whereas, the learned counsel for the petitioner/plaintiff in this proceeding has taken me to all the contentious contentions that the plaintiff in order to defence the written statement of defendant No.2 the plaintiff need to file subsequent pleading of defendant No.2 vide annexure A/4 is the subsequent pleading of the plaintiff to the written statement of defendant No.2. vide annexure indicating therein. It is further contended that the plaintiff therein who is the petitioner herein has filed an application under Order 8 Rule 9 of CPC for filing rejoinder to the subsequent written statement filed by the defendant No.1

[6] The learned counsel for the petitioner/plaintiff further submitting that the proceeding in OS No.42 of 2021 has been initiated by the plaintiff against the defendant seeking for Specific Performance of Contract as there was an agreement entered in between the plaintiff and the defendants which is indicating therein but the defendant No.1 did not appear.

However, the defendant No. 2 has appeared and filed written statement to the plaint of the plaintiff. In the written statement, the defendant No.2 for her defence she raises many new grounds of defence. Whereas, the court below has looked into the materials available on record but the defendant No.2 may take new grounds for her defence in the written statement. However, the trial court stated that the plaintiff/petitioner cannot give any defence to the written statement of defendant No.2 by arising new facts. These are all contentious contentions has been taken by the plaintiff/petitioner in this matter are concerned and on these premises seeking for setting aside the order dated 29.10.2022 rendered by the learned Civil Judge(Sr.Div.) Imphal East.

[7] On the contrary, the learned counsel for the respondents who is appearing through video conferencing and he has taken me through the affidavit which has been filed by the respondents to resist this petition filed by the plaintiff/petitioner. However, the suit has been initiated by the plaintiff against the defendants in OS No.42 of 2021 for enforcing Specific Performance of Contract but the defendant No.2 filing written statement arising many new facts. However, the aforesaid original suit is pending for consideration and also required for taking evidence on the part of the plaintiff and equally on the part of the defendants and so also to facilitate the documents for arrival of proper conclusion and therefore, it deemed appropriate for consideration and more so considering the contentious contentions which have been taken by the petitioner herein, it is found that there is some substantial contentions for filing rejoinder.

[8] Therefore, keeping in view the submissions which have been made by the learned counsel for the plaintiff/petitioner and equally, the submissions made by the learned counsel for the respondents/defendants are concerned, that without expressing any opinion on the merits of the matter, it is deemed appropriate that this proceeding would be considered in the interest of justice. Accordingly, the proceeding in CRP(C.R.P. Art.227)No. 65 of 2022 is hereby considered and allowed. Consequent upon the consideration of the aforesaid proceeding, it is deemed appropriate that the order dated 29.10.2022 in JM Case No.335 of 2022;Ref: O.S No.42 of 2021 rendered by the Civil Judge(Sr. Div) Imphal East is hereby set aside. Accordingly, the plaintiff/petitioner herein be permitted to file subsequent pleadings in terms of rejoinder.

CHIEF JUSTICE

John Kom