

Abujam
Surjit Singh

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Abujam Surjit Singh

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Sl. No. 1-2

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

**CRP No.1 of 2026
With
MC(CRP) No.1 of 2026**

Nunglepam Ibomcha Singh

Petitioner/s

Vs.

Ngangbam Tomcha Singh and Nunglepam Chaoba Singh

Respondent/s

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

(ORDER)

30.01.2026.

Captioned 'Civil Revision Petition'('CRP' for the sake of brevity) has been filed in this Court invoking Article 227 of the Constitution of India and assailing an order dated 24.11.2025 made in Civil Execution Case No.3 of 2024 on the file of Court of Civil Judge Junior Division Imphal East. To be noted this '24.11.2025 order' shall be referred to as 'impugned order' and 'Court of Civil Judge Junior Division Imphal East' which made this order shall be referred to as 'Executing Court' (both for the sake of convenience and clarity).

2. Mr. P. Tomcha, learned counsel for revision petitioner is before this Court. To be noted captioned CRP is in the admission Board.

3. This Court heard the learned counsel for revision petitioner in the admission Board.

4. Short facts are that the lone revision petitioner before this Court suffered a decree in O.S. No.19 of 1992/14/1194/6/2006 on the file of the 'Court of Civil Judge Junior Division Imphal West'(hereinafter 'Court of first instance' for the sake of convenience and clarity); that the revision petitioner assailed this decree made by the Court of first instance by way of regular civil appeal (obviously Under Section 96 of 'the Code of Civil Procedure, 1908' which shall be referred to as 'CPC') vide 'Civil Appeal No. 10 of 2012/45 of 2013' ('said civil appeal' for sake of convenience); that the said civil appeal is on the file of District Judge, Manipur East that the first appellate Court dismissed the appeal with costs, made a decree to the effect that easementary right of way over the suit land qua plaintiff in the original suit is confirmed and that the construction put up in the suit pathway shall be demolished or that the appellant shall be evicted. To be noted the lone revision petitioner before this Court is appellant No.2 before first appellate Court; that thereafter the plaintiff decree holder filed Civil Execution Case in the Executing Court for executing this decree; that the Executing Court put the revision petitioner before this Court (To be noted that the revision petitioner is one of the judgment debtor in the Executing Court) in notice; that the judgment debtor did not appear before the Executing Court inspite of notice being served; that the Executing Court made the impugned order inter-alia directing issue of the warrant

under Order XXI Rule 35 of CPC; that assailing the impugned order revision petitioner is before this Court.

5. Mr. P. Tomcha, learned counsel for revision petitioner submitted that on 24.11.2025 the revision petitioner had e-filed objections at 12.34 p.m. but the impugned order has been made by the Executing Court without considering the objections. Elaborating on this, learned counsel submitted that the Court of first instance is Civil Judge Junior Division Imphal West but the execution petition has been filed in the Court of Civil Judge Junior Division Imphal East i.e., Executing Court without resorting to section 39 of CPC and that this is the main objection raised.

6. Be that as it may, what is the significant is post impugned order i.e., post 24.11.2025, the revision petitioner has filed Judicial Misc.Case being Judicial Misc.Case No. 309 of 2025 in Civil Execution Case No.3 of 2024 inter-alia with a prayer to consider the objections of the revision petitioner said to have been e-filed on 24.11.2025 at 12.34 p.m. but no document demonstrating filing of the Judicial Misc.Case has been placed before this Court.

7. This Court carefully considered the facts and circumstances of the case. This Court finds that petition in afore-referred Judicial Misc.Case is dated 01.12.2025 and therefore it could not have been filed prior to 01.12.2025, if it has been filed at all. However, as the Judicial Misc.Case number is mentioned, it is open to the revision petitioner to pursue the same and it is equally open to the Executing Court to consider the same

on its own merits and in accordance with law, untrammelled by instant order.

8. For the sake of specificity, it is made clear that considering the Judicial Misc.Case on its own merits and in accordance with law includes considering the point that execution has been sought in the Executing Court (which is not the court of first instance) without resorting to section 39 of CPC.

9. Suffice to write that it is open to the Executing Court to consider the Judicial Misc.Case No.309 of 2025 on its own merits and in accordance with law.

10. Ergo, the sequitur is, captioned CRP does not pass muster in the admission Board and the same is disposed of as closed leaving it to the Executing Court to decide the Judicial Misc.Case No.309 of 2025 (e-filed) on its own merits and in accordance with law. Consequently captioned M.C is also disposed of as closed.

There shall be no order as to costs.

FR/NFR

CHIEF JUSTICE

Ab. Surjit