

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL
CRP (C.R.P. Art. 227) No. 15 of 2025**

Sambanduram (N) Heikham (O) Tilotama Devi, aged about 60 years W/o Heikham Rajen Singh by occupation Govt. Service now retired a resident of Lamding Khumanthem Leikai, P.S. Thoubal at present Wangjing Bazar, P.O. and P.S. Thoubal, District-Thoubal, Manipur. Vide order dated 16.09.2025 passed in MC [CRP (CRP. Art. 227)] No. 73 of 2025 & MC(CRP.Art.227) No. 73 of 2025, the following LR's are impleaded as:

1. Shri Heikham Rajen Singh, aged about 63 years, S/o (Late) N. Rebati Singh, a resident of Wangjing Bazar, Thoubal.
2. Heikham Aarti Devi, aged 34 years, W/o Sorokhaibam Sobhachandra Singh, a resident of Wangjing Sorokhaibam Leikai, Thoubal.
3. Heikham Ratana Devi, aged about 32 years, W/o Kshetrimayum Thomas Singh, a resident of Kakching District.
4. Heikham Kunjarani Devi, aged about 30 years, d/o H. Rajen Singh, a resident of Wangjing Bazar, Thoubal,.

Plaintiff/Petitioner

Vs.

1. Moirangthem Sunilkumar Singh, aged about 65 years S/o (Late) M. Ibohal Singh, a resident of Wangjing Sorokhaibam Leikai, P.O. / P.S. Thoubal at present Keishamthong Moirangningthou Leirak, District-Imphal West, Manipur.
2. Moirangthem Chanu Inaotombi, aged about 52 years d/o (Late) M. Nipamacha Singh, resident of Wangjing Bazar, P.O. and P.S. Thoubal, District- Thoubal, Manipur.

Defendants/Respondents

- 3.** Moirangthem Robindrokumar Singh, aged about 62 years S/o (Late) M. Nipamacha Singh of Wangjing Bazar, P.O. and P.S. Thoubal, District- Thoubal, Manipur

Applicant / Proforma Respondent

MC(CRP(CRP. Art. 227)) No. 20 of 2025

Sambanduram (N) Heikham (Ongbi) Tilotama Devi, aged about 60 years W/o Heikham Rajen Singh by Govt. Service a resident of Wangjing Bazar, P.O. Thoubal, P.S. Thoubal District-Thoubal, State-Manipur represented by the following LR's vide Hon'ble Court's order dated 16.09.2025 passed in MC [CRP (CRP. Art. 227)] No. 73 of 2025, the following persons are impleaded as legal representatives of the petitioner (died on 12.08.2025):

- 1.** Shri Heikham Rajen Singh, aged about 63 years, S/o (Late) N. Rebati Singh, a resident of Wangjing Bazar, P.O./P.S. Thoubal, District: Thoubal, Manipur-795148.
- 2.** Heikham Aarti Devi, aged 34 years, W/o Sorokhaibam Sobhachandra Singh, a resident of Wangjing Sorokhaibam Leikai, P.O. Wangjing, P.S. Thoubal, District: Thoubal, Manipur-795148.
- 3.** Heikham Ratana Devi, aged about 32 years, W/o Kshetrimayum Thomas Singh, a resident of Kakching Moirangthem Leikai, P.O./P.S. Kakching District: Kakching, Manipur-795103.
- 4.** Heikham Kunjarani Devi, aged about 30 years, d/o H. Rajen Singh, a resident of Wangjing Bazar, P.O./P.S. Thoubal, District: Thoubal, Manipur – 795148.

Petitioner / Applicant

Vs.

- 1.** Moirangthem Sunilkumar Singh, aged about 65 years S/o (Late) M. Ibohal Singh, a resident of Wangjing Sorokhaibam Leikai, P.O. and P.S. Thoubal at present Keishamthong Moirangningthou Leirak, District-Imphal West, Manipur.
- 2.** Moiragntthem Chanu Inaotombi, aged about 52 years D/o (Late) M. Nipamacha Singh, of Wangjing Bazar, P.O. and P.S. Thoubal, District- Thoubal, Manipur.

Respondents

- 3.** Moirangthem Robindrokumar Singh, aged about 62 years S/o (Late) M. Nipamacha Singh of Wangjing Bazar, P.O. and P.S. Thoubal, District- Thoubal, Manipur

Proforma Respondent

For petitioners/ applicants : Mr. N. Biren, Advocate.
For respondents : Mr. A. Sachikumar, Advocate.
Date of judgment & order : **13.03.2026**

BEFORE

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

**JUDGMENT & ORDER
(ORAL)**

[1] Captioned main Civil Revision Petition (CRP) has been filed under Article 227 of the Constitution of India assailing an order dated 06.05.2024 made in Judl. Misc. Case No. 127 of 2023 in Original Suit No. 18 of 2013 on the file of the Court of Civil Judge (Junior Division), Thoubal. This '06.05.2024 order' shall be referred to as 'impugned order' for convenience. 'Court of Civil Judge (Junior Division), Thoubal' shall be referred to as 'Trial Court', also for the sake of convenience. To be noted, this Court is informed at the Bar by learned counsel on

both sides that Original Suit No. 18 of 2013 has been renumbered and it is now Original Suit No. 20 of 2014 but on the file of the same Trial Court.

[2] 'Original Suit No. 18 of 2013' which is now 'Original Suit No. 20 of 2014' shall be referred to as 'said suit' for the sake of clarity. Plaintiff in the said suit is dated 18.09.2013 and the prayers are for declaration of title qua suit land, declaration that western boundary in a gift deed (to be noted, this is a registered gift deed bearing Regd. No. 535 of 2012 on the file of Sub-Registrar, Thoubal, Manipur) is wrong and a further relief that this gift deed is not binding on the plaintiff. To be noted, suit land is situate in Village No. 133 Wangjing, Khongjom, Tehsil - Thoubal District, Manipur in C.S. Dag Nos. 5005/5167 and 5006/5168. Suit land, according to the plaint admeasures an extent of .0279 hectares. This gift deed which is sought to be declared as not binding on the plaintiff shall be referred to as 1st Gift Deed as there is one more gift deed about which there will be allusion elsewhere infra in this order. As regards this 1st Gift Deed, 1st defendant in the suit is donor and 2nd defendant in the suit is donee.

[3] Owing to the limited legal perimeter within which captioned CRP has to perambulate, it is not necessary to be detained further by facts. To put it differently, considering the scope of captioned CRP, essential facts that are imperative for appreciating instant order have been set out supra and therefore, this Court refrains from dilating further on facts.

[4] Pending said suit, blood brother of 2nd defendant, one Moirangthem Robindrokumar Singh took out the afore-referred application being Judl. Misc. Case No. 127 of 2023 inter alia under Order I Rule 10 of 'the Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) with a prayer that he be impleaded as a

defendant (obviously 3rd defendant). This plea of Moirangthem Robindrokumar Singh i.e., implead plea of Moirangthem Robindrokumar Singh is predicated on a Registered Gift Deed dated 12.08.2022 executed by his blood sister i.e., 2nd defendant. This gift deed has been registered as document No. 1031 on the File of Sub-Registrar, Thoubal, Manipur and this gift deed shall be referred to as '2nd Gift Deed' for the sake of convenience and clarity.

[5] A careful perusal of the implead petition of Moirangthem Robindrokumar Singh vide Judl. Misc. Case No. 127 of 2023 makes it clear that the case of Moirangthem Robindrokumar Singh is that the land conveyed vide 2nd Gift Deed is suit land and therefore, he has to be impleaded. This implead application was not opposed by the defendant Nos. 1 & 2 but the plaintiff filed detailed objections opposing the implead plea inter alia on the ground that the 2nd Gift Deed is swept by underpinning legal principle qua Section 52 of 'The Transfer of Property Act, 1882' ('T.P. Act' for the sake of brevity) as the transfer of suit land is during the pendency of said suit in Trial Court.

[6] On the aforesaid rival contentions, Trial Court made the impugned order acceding to the implead plea and adding Moirangthem Robindrokumar Singh as 3rd defendant. As already alluded to supra, assailing the impugned order, plaintiff has filed the captioned CRP arraying the 2(two) defendants as R1 & R2(1st respondent & 2nd respondent) and Moirangthem Robindrokumar Singh (blood brother of 2nd defendant) who is now been added as party to said suit as R3 (3rd respondent).

[7] In the hearing today, Mr. N. Biren, learned counsel on record for the revision petitioners and Mr. A. Sachikumar Singh, learned counsel for all the three

respondents (to be noted, for the two defendants in the Trial Court in the said suit as well as Moirangthem Robindrokumar Singh) are before this Court.

[8] Adverting to the impugned order, learned counsel for revision petitioner submitted that the Trial Court has completely ignored the revision petitioner's objection predicated on Section 52 of T.P. Act though the same has been specifically raised in the objections more particularly in paragraph No. 35 of the objections dated 30.10.2023 in the Trial Court. Learned counsel for revision petitioner pressed into service **Sarvinder Singh vs. Dalip Singh & ors.** case law reported in **1996 (5) SCC 539** for the proposition that when a alienation is covered by the doctrine of lis pendens (to be noted, underpinning legal principle of Section 52 of T.P. Act is doctrine of lis pendens), the alienee cannot be considered to be either a necessary party or a proper party.

[9] Mr. A. Sachikumar, learned counsel for all the three respondents submitted to the contrary by saying that the property conveyed vide 2nd Gift Deed by 2nd defendant to her brother Moirangthem Robindrokumar Singh is part of the suit property and that the question of Section 52 of T.P. Act should be gone into as trial in the said case proceeds.

[10] After carefully perusing the case file, after considering the submissions of the learned counsel on either side and after perusing the impugned order, this Court comes to the conclusion that the impugned order deserves to be interfered with and set-aside. The reasons are as follows:

- i) The 2nd Gift Deed is admittedly during the pendency of the said suit in Trial Court. To be noted, the suit is of the year 2013 and the 2nd Gift Deed is almost a decade later the same being one

dated 12.08.2022 (Registered Gift Deed bearing Reference No. 1031 on the File of Sub-Registrar, Thoubal, Manipur).

- ii) In the 2nd Gift Deed, the donor and donee are blood siblings. To put it differently, the 2nd defendant is blood sister of Moirangthem Robindrokumar Singh. To a pointed query as to the date on which Moirangthem Robindrokumar Singh gained knowledge about the pendency of the suit, learned counsel for respondent who is appearing for the original defendants as well as the alienee submitted that the alienee Moirangthem Robindrokumar Singh being blood brother of 2nd defendant is aware of the suit from the very beginning i.e., from presentation itself. This means that the implead application has been filed almost a decade later after getting the 2nd Gift Deed executed a month earlier.
- iii) To be noted, 2nd Gift Deed, as already alluded to supra is dated 12.08.2022 registered as Gift Deed bearing Reference No. 1031 on the File of Sub-Registrar, Thoubal, Manipur and the implead application under Order I Rule 10 CPC being Judl. Misc. Case No. 127 of 2023 is dated 24.09.2022.
- iv) It is clear as day light that pending suit, at an advanced stage of said suit i.e., after completion of pleadings and after framing of issues when the trial is about to commence, the implead application has been filed on 24.09.2022 and it is predicated on a gift deed executed barely a 6 weeks earlier (12.08.2022) by 2nd

defendant qua suit land who is none other than her blood brother who was is admittedly aware of said suit from its very inception.

- v) As regards Section 52 of T.P. Act, Hon'ble Supreme Court, in a long line of authorities has made it clear that the doctrine of lis pendens is a doctrine based on the ground that it is necessary for administration of justice that a decision of a Court in a suit should be binding not only on the litigants and parties but also on those who derive title pendente lite. This principle is well settled and it is supported by a catena of authorities and that one of the decisions in this long line of authorities that is the oft quoted is **Thomson Press(India) Ltd. vs. Nanak Builders & Investors P. Ltd. & Ors** reported in **AIR 13 SC 2389**.
- vi) A careful perusal of the impugned order, brings to light that the Trial Court has placed reliance on **Mumbai International Airport Pvt. Ltd. Vs. Respondent: Regency Convention Centre and Hotels Pvt. Ltd. and Ors. (2010) 7 SCC 417** to articulate the well settled distinction between 'necessary party and property party' and has come to the conclusion that any decision in the said suit will affect Moirangthem Robindro Kumar Singh owing to 2nd gift deed and on that basis allowed the implead application without adverting to Section 52 of T.P. Act, though the same has been raised with specificity in the objections.

[11] This Article 227 Court, having set out the narrative, points that fell for consideration, discussion on the same and dispositive reasoning concludes that the impugned order (as already alluded to supra) deserves to be set aside. This Court does so and the impugned order being order dated 06.05.2024 in Judl. Misc. Case No. 127 of 2023 in Original Suit No. 18 of 2013 on the file of the Court of Civil Judge (Junior Division), Thoubal is set-aside.

[12] The 3rd defendant shall now be deleted from the array of parties, necessary amendments to pleadings shall be carried out in the Trial Court and said suit shall proceed from the stage as it stood immediately prior to 06.05.2024 (date of impugned order). From the e-court website, this Court finds that the last two listings of the suit in the Trial Court were on 21.01.2026 & 20.02.2026. On 21.01.2026, the Trial Court recorded the position that mediation failed and fixed the case for 20.02.2026 inter alia for recasting. On 20.02.2026, suit has been adjourned at the request of plaintiff and it is now scheduled to be listed on 16.03.2026.

[13] Ergo, the sequitur is, captioned CRP is allowed. Consequently, captioned MC thereat has become otiose and the same is disposed of as closed. Trial Court to proceed as per directives supra. There shall be no order as to costs.

CHIEF JUSTICE

Indrajeet

FR/NFR