



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

CRP(C.R.P. Art. 227) No. 58 of 2025

Wahengbam Inaocha Meetei aged about 50 years s/o W. Maipak Singh of Lamboi – Khul, P.O. Lamlong, P.S. Lamalai, Imphal East District, Manipur.

...Petitioner/Judgment Debtor/Defendant No. 2

- Versus -

1. Irengbam Ongbi Lairenlakpam Ningol Sandhyarani Devi, aged about 56 years D/O late Lairenlakpam Kullapati Devi and late Lairenlakpam Ibotombi Singh of Kongpal Kongkham Leikai P.O. & P.S. Porompat, Imphal East District, Manipur.
2. Thounaojam Ongbi Lairenlakpam Ningol Kamala Devi, aged about 53 years D/O late Lairenlakpam Kullapati Devi and late Lairenlakpam Ibotombi Singh of Top Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur.

...Respondents/Decree Holders/Plaintiffs

3. Ngasam Ningol Nirmala Devi aged about years, d/o N. Indrani Devi of Kongpal Kongkham Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur.

...Respondents/Judgment Debtor No. 1/Defendant No. 1

WITH

MC(CRP(CRP Art. 227)) No. 104 of 2025

Wahengbam Inaocha Meetei aged about 50 years s/o W. Maipak Singh of Lamboi – Khul, P.O. Lamlong, P.S. Lamalai, Imphal East District, Manipur.

...Applicant

- Versus -

1. Irengbam Ongbi Lairenlakpam Ningol Sandhyarani Devi, aged about 56 years D/O late Lairenlakpam Kullapati Devi and late Lairenlakpam Ibotombi Singh of Kongpal Kongkham Leikai P.O. & P.S. Porompat, Imphal East District, Manipur.

2. Thounaojam Ongbi Lairenlakpam Ningol Kamala Devi, aged about 53 years D/O late Lairenlakpam Kullapati Devi and late Lairenlakpam Ibotombi Singh of Top Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur.
3. Ngasam Ningol Nirmala Devi aged about years, d/o N. Indrani Devi of Kongpal Kongkham Leikai, P.O. & P.S. Porompat, Imphal East District, Manipur.

...Respondents

WITH

MC(CRP(CRP Art. 227)) No. 35 of 2026

Wahengbam Inaocha Meetei aged about 50 years s/o W. Maipak Singh of Lamboi – Khul, PO Lamlong, PS Lamlai, Imphal East District, Manipur.

...Applicant

- Versus -

1. Irengbam Ongbi Lairenlakpam Ningol Sandhyarani Devi, aged about 56 years D/O late Lairenlakpam Kullapati Devi and late Lairenlakpam Ibotombi Singh of Kongpal Kongkham Leikai PO & PS Porompat, Imphal East District, Manipur.
2. Thounaojam Ongbi Lairenlakpam Ningol Kamala Devi, aged about 53 years D/O (L) Lairenlakpam Kullapati Devi and (L) Lairenlakpam Ibotombi Singh of Top Leikai, PO & PS. Porompat, Imphal East District, Manipur.

...Respondents

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For the petitioner/applicant : Mr. R.K. Birla, Advocate

For the respondents : Mr. N. Suresh, Advocate for
R1 & R2

Date of order : **10-09-2026**

JUDGEMENT & ORDER
(Oral)

[1] The following abbreviations/short forms have been used in this

order (for the sake of brevity, convenience and clarity):

Sl. No.	Abbreviation/Short Form/other short references	Full Form/Expansion
1.	CRP	Civil Revision Petition
2.	MC	Miscellaneous Case
3.	MCs	Miscellaneous Cases
4.	said trial court	Court of Civil Judge (Junior Division) Imphal East at Lamphelpat, Manipur
5.	said suit	Original Suit No. 28 of 2017 on the file of said trial court
6.	D1	1 st defendant
7.	D2	2 nd defendant
8.	JD1	Judgment Debtor No. 1
9.	JD2	Judgment Debtor No. 2
10.	said <i>ex parte</i> judgment	Judgment dated 21-12-2024 made by said trial court in said suit
11.	said Execution Court	Court of Civil Judge (Junior Division), Imphal East (to be noted, said trial court and said Execution Court are one and the same)
12.	CoD	Condonation of Delay
13.	CPC	The Court of Civil Procedure, 1908 (V of 1908)
14.	impugned order	Order dated 27.11.2025 made in Title Execution Case No. 4 of 2025 by said Execution Court
15.	said execution case	Title Execution Case No.4 of 2025 on the file of said Execution Court

[2] Sole revision petitioner in captioned CRP is D2 in said suit in said trial court and he is also JD2 in said execution case in said Execution Court.

[3] R1 and R2 in captioned CRP are 1st and 2nd plaintiffs respectively in said suit in said trial court. To be noted, they are also decree holders 1 and 2 respectively in said execution case in said Execution Court.

[4] Parties to the captioned CRP and captioned MCs thereat will also be referred to by their respective ranks in said suit in said trial court as well as in the said execution case in the said Execution Court wherever necessary for the sake of convenience and clarity.

[5] Plaintiffs 1 and 2 along with one Ms. Yumnam Ningol Laishram Ongbi Bino Devi filed said suit in said trial court with prayers for declaration of title *qua* suit property, declaration that D1 has no title *qua* suit property and another declaration for cancellation of a 'Sale Deed dated 14.12.2016 bearing registration No. 1191 of 2016 on the file of Sub-Registrar, Sawombung executed by D1 in favored of D2' ('said Sale Deed' for the sake of convenience) as null and void, perpetual injunction and eviction. In this suit, there are two defendants and as already alluded to supra, D2 is the sole petitioner in the captioned CRP. As per the District and Sessions Court e-courts website, said suit has been filed on 09.10.2017 and institution of suit date (described as 'registration date') has also been shown as 09.10.2017. In the said suit, after service of suit summons, D1 and D2 filed separate written statements, completed pleadings and issues were framed but

thereafter, it is clear that the said trial court proceeded *ex-parte* against both defendants *inter-alia* as determination application was filed by counsel. This is evident from proceedings of said trial court dated 18.03.2024 and a scanned reproduction of the same is as follows:

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Court of CJM and JMFC/CJJD Imphal East

In The Court Of : Civil Judge Junior Division/JMFC, Imphal East

CNR Number : MNIE030015522017

Case Number : O.s./0000028/2017

Date : 18-03-2024

irengbam Ongbi Lairenlakpam Ningol Sandhyarani Devi **Versus** ngasam Ningol Nirmla Devi

Daily Status

Business	Next Purpose	Next Hearing Date
Case proceed ex parte against the defendants.	P.W. Hearing	06-04-2024

[6] Proceedings *ex-parte*, said trial court decreed said suit *vide* a detailed judgement dated 21.12.2024 (said *ex-parte* judgment).

[7] Case of the revision petitioner (D2/JD2) is that he was not aware of the said *ex-parte* judgment and he came to know about the same only on 25.10.2025 on receipt of summons from said Execution Court in said execution case. This Court refrains from expressing any view or opinion on this stand of the revision petitioner as the matter will now stand relegated to the Execution Court and the said trial court, the details of which would be set

out elsewhere *infra* in instant order. To be noted, said execution case was launched by 1st and 2nd plaintiffs/decreed holders 1 & 2 for executing said *ex-parte* judgment and decree, more particularly decree drawn on the basis of said *ex-parte* judgment. Thereafter, the revision petitioner filed Judl. Misc. Case. No.293 of 2025 dated 17.11.2025 with a CoD prayer *qua* condonation of 302 days delay in filing an application for setting aside said *ex-parte* judgment and decree. In this CoD Judl. M.C, notice was ordered by said trial court, plaintiffs 1 & 2/respondents thereat have filed affidavit-in-opposition, pleadings are complete and it is next scheduled to be heard on 22.09.2026.

[8] In the interregnum, said Execution Court made the impugned order *inter-alia* directing the jurisdictional Sub-Registrar namely, Sub-Registrar Sawombung, Imphal *qua* compliance of said *ex-parte* judgement/decreed drawn up on the same, further directions to jurisdictional revenue authorities for mutation on the basis of said *ex-parte* judgement/decreed have also been given *vide* impugned order.

[9] Assailing the impugned order, CRP petitioner filed captioned CRP in this Court on 18.12.2025 and a Hon'ble Single Judge of this Court has granted an interim order on 19.12.2025 *inter-alia* putting on hold the execution proceedings and this interim order is now operating.

[10] It has become necessary to record that in the said *ex-parte* judgement (in paragraph 4), a tabulation capturing the chronology of events have been set out and in that tabulation, 04.09.2017 has been shown as the date on which said suit was registered but as already alluded to *supra*,

elsewhere in instant order, the date of filing as per e-courts website is 09.10.2017 and the same is the date of institution of suit also.

[11] Be that as it may, Mr. RK Birla, learned counsel on record for CRP petitioner made one short point and that short point is, when an application for setting aside the *ex-parte* decree (obviously under Order IX Rule 13 of CPC) filed along with CoD application seeking condonation of 302 days delay is pending, said Execution Court has made the impugned order and if the impugned order is carried to its logical end, an irreversible situation can arise.

[12] Responding to the aforesaid short point on which learned counsel for CRP petitioner predicated his campaign against the impugned order, Mr. N. Suresh, learned counsel on record for R1 & R2 submitted that CRP petitioner should have filed an application in said Execution Court under Order XXI Rule 26 and sought stay of execution but without doing that, revision petitioner has rushed to this Court, filed captioned CRP and obtained interim order dated 19.12.2025 which has brought all the proceedings to a grinding halt.

[13] This Court carefully considered the afore-referred rival submissions.

[14] A bare perusal of said *ex-parte* judgement makes it clear that said trial court has proceeded against both defendants *ex-parte* on and from 18.03.2024. Therefore, it is well open to the defendants to make an application to set aside the *ex-parte* decree which they have done *vide* an

application dated 17.11.2025 albeit along with another application of even date (17.11.2025) with a CoD prayer *qua* 302 days delay in filing the set aside application being Judl. Misc. Case. No.293 of 2025. Condonation of delay application has to be decided on merits and subject to the outcome of the CoD application, the application to set aside the *ex-parte* decree has to be decided on its own merits and in accordance with law. For the sake of specificity and abundant clarity, this Court deems it appropriate to write that considering the application for setting aside *ex-parte* decree on its own merits and in accordance with law will arise only if CoD prayer is acceded to and if CoD prayer is not acceded to, that will be end of the road for the CRP petitioner atleast in as far as the said trial court is concerned.

[15] As regards said Execution Court, as rightly pointed out by Mr. N. Suresh, the remedy for the revision petitioner who is JD2 is to file an application under *Order XXI Rule 26* of CPC. In this regard, Mr. RK Birla, learned counsel on record for revision petitioner very fairly submitted that he will file an application in said Execution Court under *Order XXI Rule 26* of CPC on or before 05.10.2026. If the revision petitioner files an application under *Order XXI Rule 26* of CPC in the said Execution Court, said Execution Court shall consider the same on its own merits and in accordance with law untrammelled by instant order and dispose of the same within 6(six) weeks from the date of filing *Order XXI Rule 26* application.

[16] As regards captioned MCs, as the matter is relegated to said trial court as well as said Execution Court, MC(CRP(CRP Art.227)No.104 of

2025 will now stand disposed of as closed albeit keeping the execution proceedings in abeyance till 16.11.2026 within which period, the said Execution Court will decide *Order XXI Rule 26* application. A closure in this manner is thus given to MC(CRP(CRP Art.227)No.104 of 2025.

[17] As regards MC(CRP(CRP Art.227)No.35 of 2026, the same has been taken out to carry out amendments in captioned CRP as revision petitioner has erroneously sought a writ of certiorari though captioned CRP is one under Article 227 of Constitution. The prayer sought in this MC is innocuous, nonetheless as closure is being given to the main CRP *vide* instant order this Court, without either allowing the amendment MC or dismissing the same makes it clear that captioned CRP prayers shall be treated as one under Article 227 assailing the impugned order. Captioned MC(CRP(CRP Art.227)No.35 of 2026 is disposed of as closed in this manner.

[18] In the light of the narration, discussion and dispositive reasoning set out thus far, the following order is made:

- a) It is open to CRP petitioner to file an application under *Order XXI Rule 26* of CPC in the said Execution Court *qua* Title Execution Case No. 4 of 2025 (said execution case) on or before 05-10-2026;
- b) If the CRP petitioner files an application under *Order XXI Rule 26* of CPC in the aforesaid manner within the afore-referred time frame, the same shall be decided on

its own merits and in accordance with law untrammelled by observations made in instant order by said Execution Court;

- c) If the CRP petitioner does not file an application under *Order XXI Rule 26* of CPC on or before 05-10-2026, it will be open to said Execution Court to proceed further with the matter i.e., proceed further with Title Execution Case No. 4 of 2025 (said execution case) on its own merits and in accordance with law;
- d) If the CRP petitioner files an application under *Order XXI Rule 26* of CPC within the afore-referred time frame in said Execution Court, said Execution Court shall decide the same on its own merits and in accordance with law untrammelled by observations made in instant order within 6(six) weeks and in any event on or before 16-11-2026;
- e) As regards said trial Court, Judl. Misc. Case. No.293 of 2025 filed with a CoD prayer shall be decided on its own merits and in accordance with law untrammelled by any observations made in instant order;
- f) Subject to the outcome of the CoD application, if it became necessary, said trial court shall take up the Judl. Misc. Case dated 17.11.2025 filed with a prayer to set aside said ex-parte judgement and decide the same

also on its own merits and in accordance with law untrammelled by any observations made in instant order.

[19] Though obvious, all the rights and contentions of all the parties in said trial court as well as said Execution Court will stand preserved for the legal drills that are to ensue.

[20] The interim order already granted by this Court on 19.12.2025 will continue to operate until the said Execution Court decides the *Order XXI Rule 26* application but in any event not beyond 16.11.2026.

[21] Captioned CRP and 2(two) captioned MCs thereat are disposed of in the aforesaid manner with aforesaid directions, observations and preservations of rights. There shall be no order as to costs.

CHIEF JUSTICE

FR/NFR

John KomVictoria

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P.S. II : All concerned will stand bound by web copy uploaded in High Court website inter alia as the same is QR coded.

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