

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

CRP(CRP.Art.227) No. 29 of 2025

1. Shri Vinod Kumar Sharma, aged about 65 years, S/o Late Purnananda Sharma, and
2. Shri Deepak Kumar Sharma, aged about 59 years, S/o Late Purnananda Sharma,
 - Both Co-Shebaites of the Deity Shree Shree Radha Krishna, Thakubari, Paona Bazar,
 - All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.

... ***Petitioners***

-Vs-

1. Radha Krishna, an Idol installed at Thakurbari, Paona Bazar, P.O. Imphal by its next friend, the worshipper Ashok Kumar Aggarwal, aged about 63 years, S/o Shri Badlu Ram Aggarwal of Thangal Bazar, P.O. Imphal P.S. City, District Imphal West, Manipur-795001.
2. Ramavtar Sharma, aged about 70 years, S/o Late Ginnilal Sharma, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
3. Rishikumar Sharma, aged about 73 years, S/o Late Keshrichand, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.
4. Pradeep Agarwal, aged about 56 years, S/o Chatarbhuj Agarwal, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
5. Tikamchand Mahawar, aged about 70 years, S/o Late Ramavtar Mahawar, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna, and

... **Respondents**

6. Purnananda Sharma, S/o Late Gopal Ram Sharma, Paona Bazar, P.O. Imphal, now dead, by his LRs-
 - i) Smt. Kamla Devi Sharma, W/o Late Purnananda Sharma – (who expired on 23-03-2013).
 - ii) Smt. Kaushalya Sharma, aged about 66 years, W/o Late Mahendrakumar Sharma,
 - iii) Shri Nishanka Sharma, aged about 43 years, S/o Late Mahendrakumar Sharma,

- iv) Teresa Sharma, aged about 39 years, S/o Late Mahendrakumar Sharma,
- v) Smt. Bharti Joshi, aged about 61 years, D/o Late Purnananda Sharma, and
- vi) Smt. Aruna Sharma, aged about 69 years, D/o Late Purnananda Sharma.

--- All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur.

- 7. Secretary, Radha Krishna Mandir Prabandhak Karya Karini Committee, a registered Society having its office at Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District

... Pro-forma Respondent/s

With

MC(CRP(CRP.Art.227)) No. 39 of 2025

- 1. Shri Vinod Kumar Sharma, aged about 65 years, S/o Late Purnananda Sharma, and
- 2. Shri Deepak Kumar Sharma, aged about 59 years, S/o Late Purnananda Sharma,
 - Both Co-Shebais of the Deity Shree Shree Radha Krishna, Thakubari, Paona Bazar,
 - All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.

**... Applicants
(Petitioners in Revision Petition)**

-Vs-

- 1. Radha Krishna, an Idol installed at Thakurbari, Paona Bazar, P.O. Imphal by its next friend, the worshipper Ashok Kumar Aggarwal, aged about 63 years, S/o Shri Badlu Ram Aggarwal of Thangal Bazar, P.O. Imphal P.S. City, District Imphal West, Manipur-795001.
- 2. Ramavtar Sharma, aged about 70 years, S/o Late Ginnilal Sharma, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
- 3. Rishikumar Sharma, aged about 73 years, S/o Late Keshrichand, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.
- 4. Pradeep Agarwal, aged about 56 years, S/o Chatarbhuj Agarwal, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
- 5. Tikamchand Mahawar, aged about 70 years, S/o Late Ramavtar Mahawar, a worshipper of the deity Radha Krishna above-named and resident of

Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna, and

**... Opposite Parties
(Respondents in Revision Petition)**

6. Purnananda Sharma, S/o Late Gopal Ram Sharma, Paona Bazar, P.O. Imphal, now dead, by his LRs-
 - i) Smt. Kamla Devi Sharma, W/o Late Purnananda Sharma – (who expired on 23-03-2013).
 - ii) Smt. Kaushalya Sharma, aged about 66 years, W/o Late Mahendrakumar Sharma,
 - iii) Shri Nishanka Sharma, aged about 43 years, S/o Late Mahendrakumar Sharma,
 - iv) Teressa Sharma, aged about 39 years, S/o Late Mahendrakumar Sharma,
 - v) Smt. Bharti Joshi, aged about 61 years, D/o Late Purnananda Sharma, and
 - vi) Smt. Aruna Sharma, aged about 69 years, D/o Late Purnananda Sharma.--- All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur.
7. Secretary, Radha Krishna Mandir Prabandhak Karya Karini Committee, a registered Society having its office at Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District

**... Opposite Parties.
(Pro-forma Respondents in Revision Petition)**

With
MC(CRP(CRP.Art.227)) No. 45 of 2025

Radha Krishna represented by its next friend, the worshipper Tikamchand Mahawar, S/o Late Ramavtar Mahawar, aged about 70 years, resident of Thangal Bazar, P.O. Imphal P.S. City, Imphal West District, Manipur-795001.

... Applicant

-Vs-

1. Dr. Vinod Kumar Sharma, aged about 65 years, S/o Late Purnananda Sharma, resident of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.
2. Shri Deepak Kumar Sharma, aged about 59 years, S/o Late Purnananda Sharma, resident of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.
3. Radha Krishna, an Idol installed at Thakurbari, Paona Bazar, P.O. Imphal by its next friend, the worshipper Ashok Kumar Aggarwal, aged about 63 years, S/o Shri Badlu Ram Aggarwal of Thangal Bazar, P.O. Imphal P.S. City, District Imphal West, Manipur-795001.
4. Ramavtar Sharma, aged about 70 years, S/o Late Ginnilal Sharma, a worshipper of the deity Radha Krishna above-named and resident of

- Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
5. Rishikumar Sharma, aged about 73 years, S/o Late Keshrichand, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.
 6. Pradeep Agarwal, aged about 56 years, S/o Chatarbhuja Agarwal, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna,
 7. Purnananda Sharma, S/o Late Gopal Ram Sharma, Paona Bazar, P.O. Imphal, now dead, by his LRs-
 - i) Smt. Kamla Devi Sharma, W/o Late Purnananda Sharma – (who expired on 23-03-2013).
 - ii) Smt. Kaushalya Sharma, aged about 66 years, W/o Late Mahendrakumar Sharma,
 - iii) Shri Nishanka Sharma, aged about 43 years, S/o Late Mahendrakumar Sharma,
 - iv) Teresa Sharma, aged about 39 years, S/o Late Mahendrakumar Sharma,
 - v) Smt. Bharti Joshi, aged about 61 years, D/o Late Purnananda Sharma, and
 - vi) Smt. Aruna Sharma, aged about 69 years, D/o Late Purnananda Sharma.--- All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur.
 8. Secretary, Radha Krishna Mandir Prabandhak Karya Karini Committee, a registered Society having its office at Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District.

... Respondents

With
MC(CRP(CRP.Art.227)) No. 67 of 2025

1. Radha Krishna represented by its next friend, the worshipper Tikamchand Mahawar, S/o Late Ramavtar Mahawar, aged about 70 years, resident of Thangal Bazar, P.O. Imphal P.S. City, Imphal West District, Manipur-795001.
2. Radha Krishna, an Idol installed at Thakurbari, Paona Bazar, P.O. Imphal by its next friend, the worshipper Ashok Kumar AQQHFWDGI, aged about 63 years, S/o Shri Badlu Ram Aggarwal of Thangal Bazar, P.O. Imphal P.S. City, District Imphal West, Manipur-795001.
3. Ramavtar Sharma, aged about 70 years, S/o Late Ginnilal Sharma, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.

4. Rishikumar Sharma, aged about 73 years, S/o Late Keshrichand, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.
5. Pradeep Agarwal, aged about 56 years, S/o Chatarbhuj Agarwal, a worshipper of the deity Radha Krishna above-named and resident of Thangal Bazar, P.O. Imphal, P.S. City, District Imphal West on behalf of the said deity Radha Krishna.
6. Secretary, Radha Krishna Mandir Prabandhak Karya Karini Committee, a registered Society having its office at Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District.

... Applicants

-Vs-

1. Dr. Vinod Kumar Sharma, aged about 65 years, S/o Late Purnananda Sharma, resident of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.
2. Shri Deepak Kumar Sharma, aged about 59 years, S/o Late Purnananda Sharma, resident of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur-795001.
3. Purnananda Sharma, S/o Late Gopal Ram Sharma, Paona Bazar, P.O. Imphal, now dead, by his LRs-
 - i) Smt. Kamla Devi Sharma, W/o Late Purnananda Sharma – (who expired on 23-03-2013).
 - ii) Smt. Kaushalya Sharma, aged about 66 years, W/o Late Mahendrakumar Sharma,
 - iii) Shri Nishanka Sharma, aged about 43 years, S/o Late Mahendrakumar Sharma,
 - iv) Teresa Sharma, aged about 39 years, S/o Late Mahendrakumar Sharma,
 - v) Smt. Bharti Joshi, aged about 61 years, D/o Late Purnananda Sharma, and
 - vi) Smt. Aruna Sharma, aged about 69 years, D/o Late Purnananda Sharma.

--- All residents of Thakurbari, Paona Bazar, P.O. Imphal, P.S. City, Imphal West District, Manipur.

... Respondents

For petitioners, R6(i) to R6(vi) in : Mr. A. Golly, Advocate.
 CRP(CRP.Art.227) No. 29 of
 2025,
 For applicants and R6(i) to R6(vi)
 in MC(CRP(CRP.Art.227)) No. 39
 of 2025,

For R1, R2, R7(i) to (vi) in
MC(CRP(CRP.Art.227)) No. 45 of
2025, and

For all respondents in
MC(CRP(CRP.Art.227)) No. 67 of
2025.

For respondents, R1-R5 and R7 in : Mr. Sarvan Kumar, Advocate
CRP (CRP. Art. 227) No. 29 of
2025, MC (CRP (CRP. Art. 227))
No. 39 of 2025,

For applicant, R3-R6 and R8 in MC
(CRP(CRP. Art. 227)) No. 45 of
2025, and

For all applicants in MC (CRP
(CRP. Art. 227)) No. 67 of 2025

Date of judgment & order : **17.03.2026**

BEFORE

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

JUDGMENT & ORDER
(ORAL)

[1] Captioned main 'Civil Revision Petition' ('CRP' for the sake of brevity) has been presented in this Court on 26.05.2025 under Article 227 of the Constitution of India assailing an order dated 14.05.2025 made in Execution Case No. 9 of 2012(17 of 2013/48 of 2017) on the file of Court of Civil Judge Senior Division, Imphal West. This '14.05.2025 order' shall be referred to as 'impugned order' and the Court which made the order i.e., 'the Court of Civil Judge Senior Division, Imphal West' shall be referred to as 'Executing Court', both for the sake of convenience and clarity.

[2] The genesis of the matter is a litigation which commenced 6 (six) decades and 6 years ago, to be precise in 1960 vide a civil suit being Original Suit No. 58 of 60 filed by one Purnananda Sharma, S/o Late Gopal Ram Sharma. This suit was filed with a prayer for declaration that he is one of the co-shebait of the 'Deity of Shree Radha Krishna at Thakurbari, Paona Bazar, Manipur' {'said deity' and/or 'said idol' for the sake of brevity and convenience'} and he also sought a perpetual injunction qua an immovable property dedicated to the said deity of Shree Radha Krishna. There was another suit filed on behalf of idol i.e., said deity of Shree Radha Krishna by Secretary of Radha Krishna Mandir Parbandhair Karya Karini Committee and another against Purnananda Sharma with a prayer for delivery of possession of said property (to be noted, 'the property for which injunction was sought in the earlier suit which is dedicated to the said deity' is being referred to as 'said property') and for permanent injunction qua rights of Purnananda Sharma regarding performing puja and other religious actions qua the said deity. These 2(two) suits, after multiple renumbering in different Courts owing to multiple hopping from one civil Court to another, ultimately took the shape of Original Suit Nos. 1 of 1974 and 2 of 1974 both on the file of 'the Court of Additional District Judge, Manipur' ('Trial Court' for the sake of brevity and convenience). As the 2(two) suits are in the nature of cross suits, the Trial Court conducted joint trial and passed a common judgment dated 30.11.1974 which has resulted in 2(two) decrees, one in O.S. No. 1 of 1974 and another in O.S. No. 2 of 1974. In and vide the decree in O.S. No. 1 of 1974, declaration as regards co-shebait was granted but the prayer for perpetual injunction qua said property was dismissed. In and vide the 2nd decree in O.S. No. 2 of 1974 the prayer for recovery of possession of said property by

demolishing all the structures standing thereon was acceded to/decreed and the prayer to restrain Purnananda Sharma by way of an injunction from performing pujas and other religious activities i.e., injunction prayer was negatived.

[3] One Ashok Kumar Aggarwal, son of Badlu Ram Aggarwal filed an Execution Case being Execution Case No. 9 of 2012 on the file of the Executing Court and Ashok Kumar Aggarwal filed the execution case in his capacity as worshiper of said deity. In this execution case, execution of the 2nd decree i.e., decree in O.S. No. 2 of 1974 was sought. It will suffice to write that both decrees are of the year 1974. It is in this execution case that the impugned order was made by the Executing Court. To be noted, in the Execution Court Purnananda Sharma, (now deceased and represented by his legal representatives) i.e., Judgment Debtors, inter alia took the objection that the petition has been filed by a person who is not a party to the suit. The Executing Court proceeded on the basis that the idol is in the nature of a minor and the worshiper can represent the idol as guardian. It is this impugned order that is being put to challenge in the captioned CRP by the Judgment Debtors.

[4] Considering the limited legal perimeter within which the captioned CRP will have to perambulate, it will suffice to write that the defendants in O.S. No. 1 of 1974 and the plaintiffs in O.S. No. 2 of 1974 filed 2(two) appeals against the 2(two) decrees arising out of a common judgment. These 2(two) appeals are Regular First Appeals under Section 96 of 'the Code of Civil Procedure, 1908' ('CPC' for the sake of brevity), these 2(two) appeals are AS Nos. 2 and 3 of 1975. Both appeals were dismissed for default on 23.01.2007. Thereafter, pending captioned CRP, applications have been filed for restoration along with Condonation of Delay (CoD)

applications and this Court is informed that notice has been ordered in the CoD applications. This Article 227 Court considers it appropriate to write that it need not be detained by facts any further, to put it differently, it is not necessary to dilate more on facts considering the legal perimeter of the captioned CRP. This is more so, as essential facts or in other words, short facts shorn elaboration which are imperative for appreciating instant order have been set out supra.

[5] In the hearing of the captioned CRP, an issue arose as regards R6(to be noted, 'R6' is an abbreviation denoting '6th respondent' and similar abbreviations will be used with regard to other respondents also, wherever necessary). This issue pertaining to R6 was put to rest in earlier proceedings of this Court and the most relevant proceedings in this regard were made in the listings on 15.10.2025, 29.10.2025 and 21.01.2026 which read as follows:

'15.10.2025

There is no representation for the 2 (two) revision petitioners either in the physical Court or on the VC platform.

Mr. Sarvan Kumar, learned counsel for the respondent Nos. 1 to 5 and proforma respondent No. 7 is before physical Court and the learned counsel is ready to make submission.

This matter will stand over to day after tomorrow (17.10.2025) for the purpose of giving opportunity to 2(two) revision petitioners and their counsel.

Be that as it may, as regards 6th respondent, though case file shows that notice had been dispatched by Speed Post with the acknowledgement card, proof of service is yet to be filed.

This Court is informed by the Registry that proof of service is yet to be filed by the revision petitioners. This aspect i.e. aspect regarding service qua 6th respondent will be examined in the next listing, day after tomorrow.

As regards the undertaking given by the revision petitioners on 09.10.2025 i.e. undertaking that the petitioners are not doing any civil construction work and will not put up any civil construction work as well as the interim order already granted on 27.05.2025, extended from time to time, last extended on 13.10.2025 and now operating, will stand extended till next listing i.e., day after tomorrow.

List on 17.10.2025.'

'29.10.2025

[1] *Read this in conjunction with and in continuation of earlier proceedings made in the previous listings, more particularly, the proceedings made in the listing on 17.10.2025.*

[2] *Today, Mr. A. Golly, learned counsel for the two revision petitioners and Mr. Sarvan Kumar, learned counsel for respondents 1-5 and 7 are before this Court.*

[3] *Previous proceeding dated 17.10.2025 reads as follows :*

'17.10.2025.

Read this in conjunction and in continuation of the earlier proceedings made in previous listing on 15.10.2025 which reads as follows:

"There is no representation for the 2(two) revision petitioners either in the physical Court or on the VC platform.

Mr. Sarvan Kumar, learned counsel for the respondent Nos. 1 to 5 and proforma respondent No.7 is before physical Court and the learned counsel is ready to make submission.

This matter stand over to day after tomorrow (17.10.2025) for the purpose of giving opportunity to 2(two) revision petitioners and their counsel.

Be that as it may, as regards 6th respondent, though case file shows that notice had been dispatched by Speed Post with the acknowledgement card, proof of service is yet to be filed.

This Court is informed by the Registry that proof of service is yet to be filed by the revision petitioners. This aspect i.e., aspect regarding service qua 6th respondent will be examined in the next listing, day after tomorrow.

As regards the undertaking given by the revision petitioners on 09.10.2025 i.e., undertaking that the petitioners are not doing any civil construction work and will not put any civil construction work as well as the interim order already granted on 27.05.2025, extended from time to time, last extended on 13.10.2025 and now operating, will stand extended till next listing i.e., day after tomorrow.”

2. *Today Mr. A. Golly, learned counsel on record for the 2 revision petitioners is before this Court (physical Court).*

3. *Mr. Sarvan Kumar, learned counsel for respondent Nos. 1 to 5 and proforma respondent No.7 is before this Court on the video conferencing platform.*

4. *Adverting to earlier proceeding dated 15.10.2025, Mr. A. Golly, learned counsel for revision petitioners submitted that notice to all the respondents was issued by this Court on 27.05.2025 and pursuant to 27.05.2025 judicial order, steps were taken on 29.05.2025 itself the acknowledgment in this regard has been placed before this Court and a scanned reproduction of the same is as follows:*

High Court of Manipur
Filing Section
Acknowledgement
TO BE FILLED UP BY THE APPLICANT

FILING NO. 377/E
DATE OF FILING 24/10/2025
CASE NO. CRP (C-2 P. 24/2025) No. 29 of 2025
NAME of the applicant
BENCH TYPE SINGLE BENCH (-77) DIVISION BENCH (-)
TIME 11:46 AM (TO BE FILLED BY DEPUTY ASSISTANT)
FILED SECTION
ON 24/10/2025

5. *Learned counsel for petitioners submitted that he is yet to file the consignment track report and he will do so by Monday i.e., 27.10.2025. If it is not done by close of court working hours on Monday, it is made clear that CRP against respondent No.6 will stand dismissed and matter will be heard out on merits.*

6. As regards undertaking by the revision petitioners and interim order as captured in the 15.10.2025 proceeding, the same will continue till next listing which will be on 29.10.2025.

7. List on 29.10.2025. '

[4] As would be evident from the proceedings made in the previous listing on 17.10.2025, the issue surrounds effecting service qua R6. Though arrayed as R6, technically, there are 6 (six) individuals. This, in the considered view of this court, comes across as procedurally incorrect. Be that as it may, there is no dispute between the parties that all the six individuals are legal heirs of late Purnananda Sharma who is judgment debtor in Executing Court. Therefore, effecting service on the six individuals has become necessary. To be noted, of the six individuals, one is no more viz., Smt. Kamla Devi Sharma, wife of Purnananda Sharma. Therefore, service has to be effected on five individuals. As regards 5 (five) individuals, Smt. Kaushalya Sharma is revision petitioner's sister-in-law being wife of their deceased elder brother Mahendrakumar Sharma who predeceased Purnananda Sharma and died in May of 1989. Second individual Shri Nishanka Sharma is Kaushalya Sharma's son and he is residing in Haryana with his mother. Third individual Taressa Sharma is daughter of deceased Mahendrakumar Sharma and she is residing in Mumbai. Fourth and fifth individuals i.e., Bharti Joshi and Aruna Sharma are blood sisters of revision petitioners.

[5] The above details have been given to the court by Mr. A. Golly, learned counsel for revision petitioners, on instructions from first revision petitioner Mr. Vinod Kumar Sharma, S/o late Purnananda Sharma who is present in court and who is instructing him. These submissions are recorded.

[6] On behalf of Mr. Vinod Kumar Sharma, Mr. A. Golly seeks a short accommodation to get instructions from Mr. Vinod Kumar Sharma's afore-referred sister-in-law, nephew, niece and two sisters and revert to this Court. Let the same be done.

[7] As learned counsel for R1 to R5 and R7 raises an issue regarding the copy of the impugned order dated 14.05.2025 made by the executing court (to be noted, learned counsel says that it is in variance with the original) and as it is not clear as to whether all the respondents were served in the executing court, Registry to requisition the entire records in E.P. No. 48 of 2017 (previously E.P. No. 17 of 2013 and E.P. No. 9 of 2012) on the file of Civil Judge, Senior Division, Imphal West.

[8] Both sides also submitted that they will explore the possibility of agreeing on a mediator and report to this Court. Let the same also be done.

[9] Records received from the executing court shall be retained in a sealed envelope in the office of the Registrar (Judicial) and the same shall be produced in the next listing which shall be on 04.11.2025.

[10] As regards the undertaking given by the revision petitioners and the interim order as captured in 15.10.2025 proceedings the same shall continue until further orders.'

'21.01.2026

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 29.10.2025 which reads as follows:

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listings, more particularly, the proceedings made in the listing on 17.10.2025.

[2] Today, Mr. A. Golly, learned counsel for the two revision petitioners and Mr. Sarvan Kumar, learned counsel for respondents 1-5 and 7 are before this Court.

[3] Previous proceeding dated 17.10.2025 reads as follows :

'17.10.2025.

Read this in conjunction and in continuation of the earlier proceedings made in previous listing on 15.10.2025 which reads as follows:

“There is no representation for the 2(two) revision petitioners either in the physical Court or on the VC platform.

Mr. Sarvan Kumar, learned counsel for the respondent Nos. 1 to 5 and proforma respondent No.7 is before physical Court and the learned counsel is ready to make submission.

This matter stand over to day after tomorrow (17.10.2025) for the purpose of giving opportunity to 2(two) revision petitioners and their counsel.

Be that as it may, as regards 6th respondent, though case file shows that notice had been dispatched by Speed Post with the acknowledgement card, proof of service is yet to be filed.

This Court is informed by the Registry that proof of service is yet to be filed by the revision petitioners. This aspect i.e., aspect regarding service qua 6th respondent will be examined in the next listing, day after tomorrow.

As regards the undertaking given by the revision petitioners on 09.10.2025 i.e., undertaking that the petitioners are not doing any civil construction work and will not put any civil construction work as well as the interim order already granted on 27.05.2025, extended from time to time, last extended on 13.10.2025 and now operating, will stand extended till next listing i.e., day after tomorrow.”

2. Today Mr. A. Golly, learned counsel on record for the 2 revision petitioners is before this Court (physical Court).

3. Mr. Sarvan Kumar, learned counsel for respondent Nos. 1 to 5 and proforma respondent No.7 is before this Court on the video conferencing platform.

4. Adverting to earlier proceeding dated 15.10.2025, Mr. A. Golly, learned counsel for revision petitioners submitted that notice to all

the respondents was issued by this Court on 27.05.2025 and pursuant to 27.05.2025 judicial order, steps were taken on 29.05.2025 itself the acknowledgment in this regard has been placed before this Court and a scanned reproduction of the same is as follows:

High Court of Manipur
PINing Section
OFFICE COPY

Acknowledgement
TO BE FILLED UP BY THE APPLICANT

FILING NO. : 277/E
DATE OF FILING : 24/10/2025
CASE NO. : 2019 (CRP) (M-2025) No. 27 of 2025

REMARKS : Valuation done on 24.10.2025
SINGLE BENCH (-/-) DIVISION BENCH (-/-)
TIME : 11.10.25 (TO BE FILLED BY DEALING ASSISTANT)

FILING SECTION

5. Learned counsel for petitioners submitted that he is yet to file the consignment track report and he will do so by Monday i.e., 27.10.2025. If it is not done by close of court working hours on Monday, it is made clear that CRP against respondent No.6 will stand dismissed and matter will be heard out on merits.

6. As regards undertaking by the revision petitioners and interim order as captured in the 15.10.2025 proceeding, the same will continue till next listing which will be on 29.10.2025.

7. List on 29.10.2025. '

[4] As would be evident from the proceedings made in the previous listing on 17.10.2025, the issue surrounds effecting service qua R6. Though arrayed as R6, technically, there are 6 (six) individuals. This, in the considered view of this court, comes across as procedurally incorrect. Be that as it may, there is no dispute between the parties that all the six individuals are legal heirs of late Purnananda Sharma who is judgment debtor in Executing Court. Therefore, effecting service on the six individuals has become necessary. To be noted, of the six individuals, one is no more viz., Smt. Kamla Devi Sharma, wife of Purnananda

Sharma. Therefore, service has to be effected on five individuals. As regards 5 (five) individuals, Smt. Kaushalya Sharma is revision petitioner's sister-in-law being wife of their deceased elder brother Mahendrakumar Sharma who predeceased Purnananda Sharma and died in May of 1989. Second individual Shri Nishanka Sharma is Kaushalya Sharma's son and he is residing in Haryana with his mother. Third individual Taressa Sharma is daughter of deceased Mahendrakumar Sharma and she is residing in Mumbai. Fourth and fifth individuals i.e., Bharti Joshi and Aruna Sharma are blood sisters of revision petitioners.

[5] The above details have been given to the court by Mr. A. Golly, learned counsel for revision petitioners, on instructions from first revision petitioner Mr. Vinod Kumar Sharma, S/o late Purnananda Sharma who is present in court and who is instructing him. These submissions are recorded.

[6] On behalf of Mr. Vinod Kumar Sharma, Mr. A. Golly seeks a short accommodation to get instructions from Mr. Vinod Kumar Sharma's afore-referred sister-in-law, nephew, niece and two sisters and revert to this Court. Let the same be done.

[7] As learned counsel for R1 to R5 and R7 raises an issue regarding the copy of the impugned order dated 14.05.2025 made by the executing court (to be noted, learned counsel says that it is in variance with the original) and as it is not clear as to whether all the respondents were served in the executing court, Registry to requisition the entire records in E.P. No. 48 of 2017 (previously E.P. No. 17 of 2013 and E.P. No. 9 of 2012) on the file of Civil Judge, Senior Division, Imphal West.

[8] Both sides also submitted that they will explore the possibility of agreeing on a mediator and report to this Court. Let the same also be done.

[9] Records received from the executing court shall be retained in a sealed envelope in the office of the Registrar

(Judicial) and the same shall be produced in the next listing which shall be on 04.11.2025.

[10] As regards the undertaking given by the revision petitioners and the interim order as captured in 15.10.2025 proceedings the same shall continue until further orders.

2. In the hearing today, Mr. A. Golly, learned counsel for two revision petitioners and Mr. Sarvan Kumar, learned counsel for respondent Nos. 1 to 5 and respondent No.7 are before this Court(physical Court).

3. Adverting to afore-referred 29.10.2025 proceedings and more particularly, an affidavit dated 04.11.2025 (Affidavit of Mr. Vinod Kumar Sharma S/o Late Purnananda Sharma) Mr. A. Golly, learned counsel for revision petitioners submits that he would now be representing all the five individuals namely Smt. Kaushalya Sharma, Shri Nishanka Sharam, Terssa Sharma, Shri Vinod Kumar Sharma and Shri Deepak Sharma who have been shown as ii) to vi) of R6. To be noted that i) Smt. Kamala Devi Sharma wife of late Shri Purnanada Sharma is no more and date of demise is 23.03.2013.

4. The above means that all the parties to the captioned CRP are before this Court.

5. Be that as it may be, as regards paragraph 8 of 29.10.2025 proceedings, from the submissions made at the Bar, it comes to light that there is no consensus about mediation much less about a mediator. Therefore, this dimension of the matter i.e., this aspect of the matter is given a closure. As regard the original records from the executing Court, the same have been received and the same have been placed before this Court in a sealed envelope.

6. Sealed envelope was opened in Court and learned counsel on both sides also have the benefit of perusing the records.

7. The narrative thus far means that the main CRP has to be heard out now.

8. While Mr. Sarvan Kumar, learned counsel for the respondent Nos. 1 to 5 and 7 submits that he is ready, Mr. A. Golly, learned counsel submits that there is difficulty in briefing Mr. N. Ibotombi, learned senior advocate who is appearing on his behalf and requests for a short accommodation.

9. In light of the trajectory the matter has taken thus far, it is made clear that the next listing will be treated as peremptory and main CRP will be heard out in full.

10. The records received from the executing Court shall be put back in sealed envelope kept with the Registrar(Judicial) and the same shall be placed before this Court again in the next listing.

11. List on 29.01.2026.'

[6] This Court, with the intention of avoiding repetition, deems it appropriate to write that the aforesaid proceedings shall now be read as an integral part and parcel of this order. The point of utmost significance is paragraph No. 4 of the proceedings dated 21.01.2026 wherein it has been recorded that all the parties to the captioned CRP are before this Court through counsel. In the hearing today also, this position is not disputed by learned counsel for petitioners as well as learned counsel for respondents.

[7] As regards the revision petitioners, it was contended that other written objections were raised before the Executing Court but the impugned order has been made without considering the same. This Court, exercising supervisory jurisdiction under Article 227, considers it appropriate to examine the objections. Before embarking upon this exercise, it is necessary to write that the learned counsel for respondents in captioned CRP raised a preliminary objection regarding maintainability of captioned CRP under Article 227 of the Constitution of India. To be noted, reference to 'counsel for respondents' is a reference to counsel for respondents who are contesting the captioned CRP (excluding the respondents who are sailing with the revision petitioners) and likewise reference to 'counsel for revision petitioners or petitioners' is a reference to counsel for revision petitioners including the respondents (LRs of deceased Purnananda Sharma) who are sailing

with the revision petitioners. It is also to be noted that the ranks and counsel details have been set out with specificity supra in the opening page of instant order. The crux and gravamen of the objection qua maintainability is that the impugned order is appealable and therefore, a revision under Article 227 is not maintainable. On a pointed query from this Court as to the provision which provides for appeal qua impugned order, learned counsel submitted that it is Section 99 A of CPC read with Order XXI Rule 103 further read with Order XXI Rules 98 & 99, it was also submitted that impugned order is a decree within the meaning of Order XXI Rule 22. In support of his contention, learned counsel for respondents pressed into service 2(two) case laws and they are **Barkat Ali & anr. -Vs- Badrinarain (dead) by LRs** reported in **(2008) 4 SCC 615** and **P. Suresh -Vs- D. Kalaivani & ors.** reported in **2026 SCC OnLine SC 143**. Learned counsel for revision petitioners submitted to the contrary and argued that the impugned order is not appealable as it is not a decree within the meaning of Order XXI Rule 22 and learned counsel for revision petitioners on a demurer pressed into service **Godrej Sara Lee Ltd. -Vs- Excise and Taxation Officer-cum-Assessing Authority & ors.** reported in **2023 Legal Eagle (SC) 93** for the proposition that mere fact that the revision petitioner has not pursued alternative remedy available to him cannot be construed as a ground for dismissal on the ground of maintainability. To be noted, **Godrej Sara** would apply in equal force to Article 226 and 227 legal drills is learned counsel's say. This Court carefully considered the rival submissions. As regards **Barkat Ali**, on facts, it was a case of a order under Section 47 CPC. As regards **P. Suresh**, it was a case where the High Court exercised powers under Article 227 to strike down the plaint giving a go by to Order VII Rule 11 of CPC. The case on hand is not one that arises

out of a petition under Section 47 of CPC. This Court is of the considered view that Section 99A deals with reversing or modifying an order under Section 47 of CPC. Order XXI Rule 103 and Rules 98 & 99 orders complaining of dispossession. Therefore, this Court is unable to persuade itself to accept the argument that the impugned order is appealable, much less, appealable as a decree vide the provision cited by learned counsel for respondents about which there is allusion in the earlier part of this order. As the impugned order is not appealable there is really no need to go into the question of alternate remedy but it is deemed appropriate to write that even on a demurer, there can be no 2(two) opinions or any disputation that alternative remedy rule is not an absolute rule, it is a rule of discretion and a self-imposed restraint.

[8] In the light of the aforesaid discussion and dispositive reasoning, this Court negatives the maintainability objection and proceeds to consider the matter on merits.

[9] As regards the merits of the matter, as already alluded to supra, the case of the revision petitioners is that all objections raised before the Executing Court have not been considered. This Court deems it appropriate to consider the objections in instant legal drill under Article 227 and the objections according to the revision petitioners are as follows:

- i) The Committee which filed the suit has since been dissolved;
- ii) The decree qua declaration of co-shebaits is in force and is operating;
- iii) The execution petition can be filed only by shebaits;
- iv) The execution petition has been filed by a person describing himself as decree holder but the person is not a party to the suit;

- v) Proper notice has not been given in the execution proceedings;
- vi) The impugned order travels beyond the decree as it directs demolition of all structures standing on said property and further directs handing over of possession(said property).

[10] As regards the aforesaid 6(six) points/6(six) objections, objections i to iv can be dealt with as one point. In response to objections i to iv, learned counsel for respondents adverted to liquidation proceedings but in the considered view of this 227 Court, it may really not be necessary to go that far as the said property is dedicated to a deity i.e., said deity and the principle that an idol/deity is in the status of a minor, it has to be represented by a guardian, a natural person and that such natural person can be a worshipper is well settled. Hon'ble Supreme Court has also in **A.A. Gopalakrishnan –Vs- Cochin Devaswom Board & ors.** reported in **(2007) 7 SCC 482** held that it is the duty of the Courts to protect and safeguard the properties vested in religious and charitable institutions i.e., idols/deities. As regards an idol/deity being a minor and the need for it to be represented by a guardian who shall be a natural person, such natural person can be worshiper and that it need not be a shebait if there is neglect on the part of shebait or when relief sought itself is against shebait learned counsel for respondents pressed into service **Bishwanath & anr. -Vs- Sri Thakur Radha Ballabhji & ors.** reported in **1967 SCC OnLine SC 8**. This Court finds that even prior to **Bishwanath** which was rendered by Hon'ble Supreme Court on 06.02.1967, in **Vemareddi Ramaraghava Reddy & ors. -Vs- Konduru Seshu Reddy & ors.** reported in **AIR 1967 SC 436** decided by Hon'ble Supreme Court on 26.04.1966, it was made clear that though a shebait is a judicial person capable of holding a property and the shebait would sue

in respect thereof in the normal course, when the shebait is negligent or where the shebait himself is the guilty party and when the deity needs reliefs, it is open to the worshippers or other persons interested in the religious endowment to file suits for the protection of the properties. **Vemareddi** case, on facts, pertains to idol of Sri Kondandaramaswami in village Varagali in Nellore district (Andhra Pradesh State) for which there is a temple. The issue was leasing out property of said temple in public auction. The Hindu Religious Endowment Department in the State of Andhra Pradesh issued show cause notice to the persons in administration and then an issue arose therefrom when the person in administration resisted the exercise. In this fact setting, as the relief was qua the persons in administration itself who are akin to shebait/co-shebait, Hon'ble Supreme Court in paragraph 13 held as follows:

'13. ... As a matter of law the only person who can represent the deity or who can bring a suit on behalf of the deity is the Shebait, and although a deity is a judicial person capable of holding property, it is only in an ideal sense that property is so held. The possession and management of the property with the right to sue in respect thereof are, in the normal course, vested in the Shebait, but where, however, the Shebait is negligent or where the Shebait himself is the guilty party against whom the deity needs relief it is open to the worshippers or other persons interested in the religious endowment to file suits for the protection of the trust properties. It is open, in such a case, to the deity to file a suit through some person as next friend for recovery of possession of the property improperly alienated or for other relief. Such a next friend may be a person who is a worshipper of the deity or as a prospective Shebait is legally interested in the endowment. In a case where the Shebait has denied the right of the deity to the dedicated properties, it is obviously desirable that the deity should file the suit through a disinterested next friend, nominated by the court. ...'

[11] This takes this Court to **Bishwanath** cited by learned counsel for respondents. **Bishwanath** on facts was a case where it was alleged that the person in administration had not taken any steps owing to which devotees and worshippers of the deity who had been taking keen interest in the management of the temple

had to put their foot forward. In this factual background, 3(three) legal concepts were laid down clearly by Hon'ble Supreme Court and they are: (a) An idol of a Hindu temple is a juridical person; (b) when there is a Shebait, ordinarily the Shebait can represent the idol; and (c) Worshippers of an idol are its beneficiaries. After laying down these 3(three) principles, Hon'ble Supreme Court made it clear that when the Shebait acts adverse to the interest of deity/idol, it is open to the worshipper to represent the idol. It reiterated that the idol is in the position of a minor when the person representing it leaves it in lurch and Hon'ble Supreme Court, advertent to decision of Privy Council in **Pramatha Nath Mullick v. Pradyumna Kumar Mullick** reported in **(1925) LR 52 IA 245** and **Kanhaiya Lal V. Hamid Ali** reported in **(1933) LR 60 IA 263** made it clear that where the suit is to challenge the act of the Shebait himself as prejudicial to the interests of the idol, then there must be some other agency which must have the right to act and in this regard, the law recognizes right of the persons interested. It is in this context that Hon'ble Supreme Court held that it finds no justification in denying such a right to a worshipper of such idol. The most relevant portions in **Bishwanath** are contained in paragraph Nos. 9, 10 & 11 and the same read as follows:

'9. Three legal concepts are well settled: (1) An idol of a Hindu temple is a juridical person; (2) when there is a Shebait, ordinarily no person other than the Shebait can represent the idol; and (3) worshippers of an idol are its beneficiaris, though only in a spiritual sense. ...

10. ... On principle we do not see any justification for denying such a right to the worshipper. An idol is in the position of a minor when the person representing it leaves it in a lurch, a person interested in the worship of the idol can certainly be clothed with an ad hoc power of representation to protect its interest. It is a pragmatic, yet a legal solution to a difficult situation. Should it be held that a Shebait, who transferred the property, can only bring a suit for recovery, in most of the cases it will be an indirect approval of the dereliction of the Shebait's duty, for more often than not he will not admit his default and take steps to recover the property, apart from other technical pleas that may be open to the transferee in a suit.

Should it be held that a worshipper can file only a suit for the removal of a Shebait and for the appointment of another in order to enable him to take steps to recover the property, such a procedure will be rather a prolonged and a complicated one and the interest of the idol may irreparably suffer. That is why decisions have permitted a worshipper in such circumstances to represent the idol and to recover the property for the idol. ...

11. ... B.K. Mukherjea in his book "The Hindu Law of Religious and Charitable Trust" 2nd Edn., summarizes the legal position by way of the following propositions, among others, at p. 249:

"(1) An idol is a juristic person in whom the title to the properties of the endowment vests. But it is only in an ideal sense that the idol is the owner. It has to act through human agency, and that agent is the Shebait, who is, in law, the person entitled to take proceedings on its behalf. The personality of the idol might therefore be said to be merged in that of the Shebait.

(2) Where, however, the Shebait refuses to act for the idol, or where the suit is to challenge the act of the Shebait himself as prejudicial to the interests of the idol, then there must be some other agency which must have the right to act for the idol. The law accordingly recognizes a right in persons interested in the endowment to take proceedings on behalf of the idol."

[12] To buttress the aforesaid principles/propositions in **Vemareddi and Bishwanath**, it is deemed appropriate to write that in **Ram Jankijee Deities & ors. -Vs- State of Bihar & ors.** reported in **(1999) 5 SCC 50** Hon'ble Supreme Court recognized the principle that Hindu law recognizes a Hindu idol as a juridical subject being capable in law of holding property by reason of Hindu Shashtras following the status of a legal person in the same way as that of natural person. As alluded to elsewhere supra in instant order, in **A.A. Gopalakrishnan** which is also referred to as **Cochin Devaswom Board** case reported in **(2007) 7 SCC 482**, Hon'ble Supreme Court went on to hold that it is the duty of Court to protect and safeguard such properties. Relevant paragraph in **Cochin Devaswom Board** is paragraph 10 and the same reads as follows:

'10. The properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their

trustees/archakas/shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of "fences eating the crops" should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.'

[13] The Madras High Court has respectfully followed **A.A. Gopalakrishnan** principles orders in **K. Senthilkumar -Vs- Principal Secretary to Government of Tamil Nadu & ors.** dated 15.09.2021 (reported in **2021 SCC OnLine Mad 12402**) and **F. Charles -Vs- G. Venkatesan** dated 04.10.2021. Relevant paragraphs in **K. Senthilkumar** are paragraph Nos. 27 & 29 and the same read as follows:

'27. The "Deity" in the temple is a "minor" and the Court should be astute to protect the interests of an idol in any litigation. Therefore, when the trustee or the Executive Officer or the custodian of the idol, temple and its properties, leave the same in lurch, any person interested in respect of such temple or worshipping the 'Deity' can certainly be clothed with an adhoc power of representation to protect its interest. Where the persons in management of a temple failed to protect the interest of the temple diligently, the Court is empowered to take notice of such facts and deal with the issues in an appropriate manner. The Court is bound to take notice of the fact that the Executive Officers appointed in the temples being changed periodically and in many a case, they do not get fully acquainted with the history or affairs of the temple. If there is lapses, slackness or negligence on the part of the Executive Officer and the trustees of the temple, "it is the duty of the Court to ensure that the

'Deity' does not suffer thereby. The Courts should be astute to protect the interests of an idol in any litigation.'

*29. The properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their Trustees/Archaks/Sebais/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the concerned authorities. Such acts of **'fences eating the crops'** should be dealt with sternly. The Government, members or trustees of Boards/Trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. **It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.'***

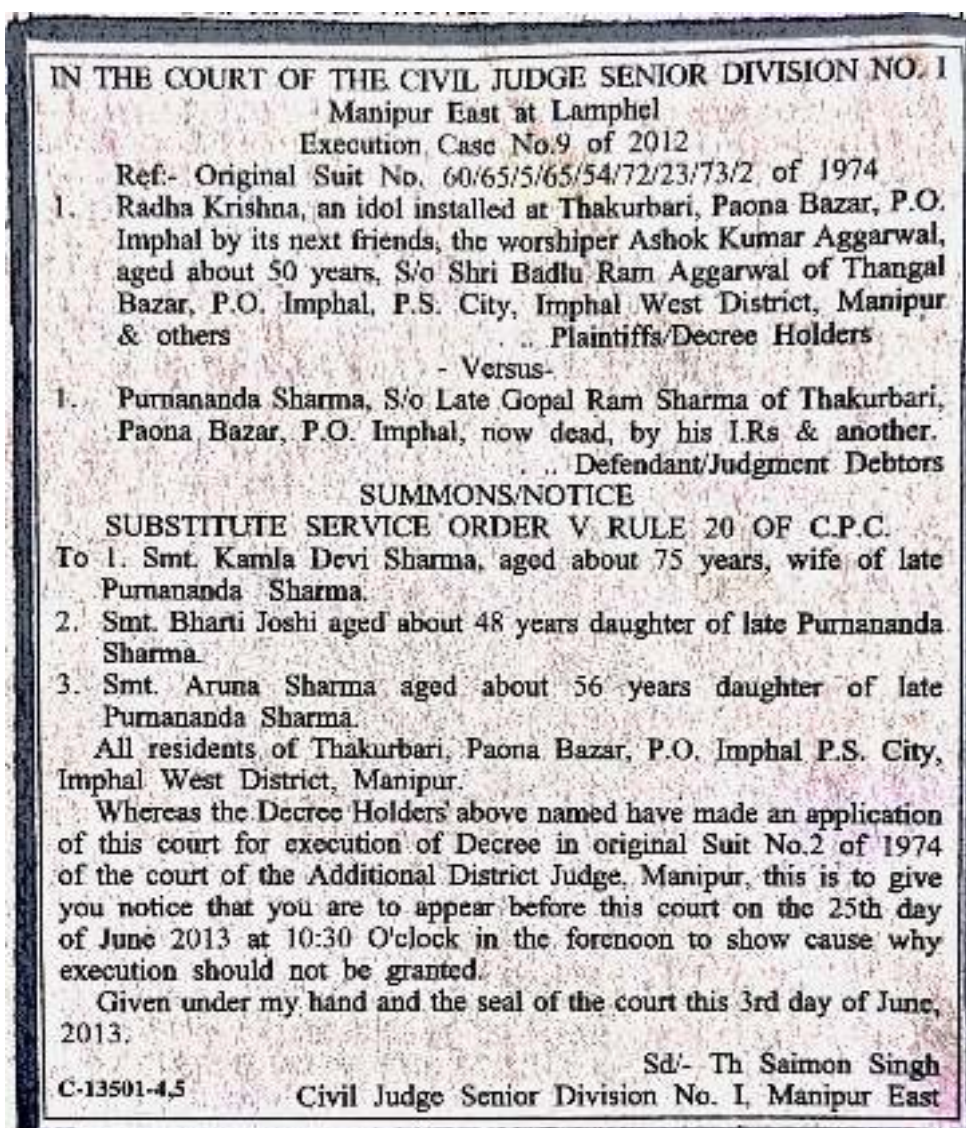
Relevant paragraph in F. Charles/G. Venkatesan is paragraph 17 and the same reads as follows:

'17. Before concluding, this Court records the submission of learned counsel for Executive Officer of said temple and writ petitioners that similar proceedings have been initiated against other encroachers qua 2.09 acres extent of land and all of them have been evicted. The law is well settled that the Presiding Deity is in the status of a minor and this Court is the Guardian / Parens Patriae, the lead case law in this regard being A.A. Gopalakrishnan's case (A.A.Gopalakrishnan Vs. Cochin Devaswom Board and others) reported in 2007 (7) SCC 482, wherein Hon'ble Supreme Court held that it is the duty of the Courts to protect and safeguard the properties of religious and charitable institutions.'

[14] In the case at hand, of the 2(two) decrees, the 2nd decree which is sought to be executed is one where Purnananda Sharma himself is the

defendant/judgment debtors now are his LR's claiming under him. In other words, the decree for recovery of possession of said property is against Purnananda Sharma and his legal heirs/legal representatives who are claiming under him and who are now on board. In this view of the matter, the argument that decree in the 1st suit declaring co-shebaitship of Purnananda Sharma is operating is of no avail and the argument is a non starter **Vemareddi** and **Bishwanath** principles about which there is allusion supra in instant order. To put it differently, the decree declaring co-shebaitship of Purnananda Sharma operating is of no avail as the decree for recovery of possession is against Purnananda Sharma and his legal heirs who are now claiming under him. This Court, by respectfully following the principles laid down by Hon'ble Supreme Court, has no hesitation in coming to the conclusion that the idol of Shri Radha Krishna i.e., said deity to which said property is dedicated is a minor, it can be represented by a worshipper as the decree is sought to be executed is against persons whose predecessor had obtained decree of declaration qua co-shebaitship. To be noted, there is no dispute that the natural person who has launched the execution proceedings on behalf of said deity is a worshiper. In any event, that decree was challenged by way of Regular First Appeal under Section 96 CPC, appeals dismissed for default applications for restoration with condonation of delay have been filed, notice has been issued and it is pending. In this view of the matter, the 4th objection that the execution petition has been filed by a person who is not a party to the suit pales into insignificance. The sequitur is, objections i to iv are negated and this takes this Court to objection No. v regarding notice. This Court is informed that notice was served by resorting to substituted service. Owing to conventional mode running into rough weather, substituted service has

been resorted to, paper publication made in the Sangai Express dated 05.06.2013 has been placed before this Court and a scanned reproduction of the same is as follows:



[15] The judgment debtors have, in any event, entered appearance and are participating in the execution proceedings. As already alluded to supra, all the judgment debtors are represented in the captioned CRP also.

[16] Besides the afore-referred objections which stand overruled, for comprehensively capturing what unfurled in the hearing, it is deemed appropriate

to write about two points that were brought up. Learned counsel for respondents submitted that though learned counsel for revision petitioners has not argued, he deems it appropriate to address this Court on the question of limitation qua decree sought to be executed. Decrees are of the year 1974 and execution has been launched in 2012. Learned counsel pressed into service a judgment of Hon'ble Supreme Court dated 17.01.2025 in **Bhudev Mallick Alias Bhudeb Mallick & anr. -Vs- Ranajit Ghoshal & ors.** reported in **2025 INSC 175** (Hon'ble Supreme Court neutral citation) for the proposition that restoration of possession can be ordered by Executing Court and as regards prohibitory injunction decrees, the same become enforceable when fresh encroachments are there. It was submitted that though the case in **Bhudev Mallick** arose out of title suit decree between private parties the issue that Article 136 of the Limitation Act will not come in the way is settled and execution can be launched whenever violation inter-alia in the nature of further encroachment happens. As limitation point is outside the remit of legal drill in captioned CRP, considering that this is an Article 227 legal drill, this Court deems it appropriate to write that the executing Court shall apply the law as obtaining in the light applicable judicial pronouncements if limitation point falls for consideration.

[17] Second point is the argument raised by learned counsel for revision petitioners in reply submissions that the Executing Court has gone beyond the decree in directing demolition of all structures standing on land qua said property. This in the view of this Court is a *non-starter*. The reason is, as already alluded to supra, the decree itself makes it clear that delivery of possession of said property shall be by demolition of all structures standing thereon. A scanned reproduction of the 2nd decree sought to be executed in O.S. No. 2 of 1974 is as follows:

- 31 -
- 475 -

Re-type of page
27 to 30

No. 53

(Pages 184 - 186 of the original Record)

DECREE IN ORIGINAL

In the Court of the Additional District
Judge, Manipur

Original Suit No. 60/65/65/72/23/73/
2 of 1974

1. Radha Krishna, an Idol installed at Thakurbari, Paona Bazar, Imphal by its Next friend,
Secretary, Radha Krishna Mandir Parbandhak Karya Karini Committee -
Registered under the Societies having its office at Thakurbari, Paona Bazar,
P.O. & P.S. Imphal.
2. Secretary, Radha Krishna Mandir Prebandhak Karya Karini Committee
Registered under the Societies having its office at Thakurbari, Paona Bazar,
P.O. & P.S. Imphal.

Plaintiffs.

Versus

1. Pumananda Sharma, aged about 40 years, s/o late Gopal Ram Sharma, by
occupation business, Paona Bazar, P.O. & P.S. Imphal.

Defendant.

Suit valued at Rs. 5500/-

This suit coming on the 30th November, 1974 for final disposal before Shri Y. Ibombi Singh, Additional District Judge, Manipur in the presence of Shri R.K. Manisana Singh, Advocate and Shri Th. Priyananda Singh, Advocate for the Plaintiffs and of Shri A. Nilamni Singh, Advocate for the Defendant, it is hereby ordered and decreed that the defendants do deliver possession of the plaint schedule "B" land (described below) by demolishing all the structures standing thereon to the plaintiff No.1. It is further ordered and decreed that the plaintiffs suit regarding permanent injunction is dismissed.

TRUE COPY
Advocate

Shri. M. S. Das
Dist. Comm. & Magistrate
Imphal West District & High Court
Regd. No. 248/2024

Therefore, the argument that the execution petition seeks delivery of possession by demolition of structures standing thereon and this is beyond the scope of the decree does not hold water.

[18] Ergo, sequitur is, there is no material warranting interference in impugned order, there is nothing much less nothing demonstrable that impugned order is error and axiomatically impugned order deserves to be sustained.

[19] In the light of the narrative, discussion and dispositive reasoning set out thus far, this Court has no hesitation in coming to the conclusion that the captioned CRP is bereft of merits and the same is liable to be dismissed.

[20] Captioned CRP is dismissed. Consequently, captioned Miscellaneous Case (MC) being MC(CRP(CRP.Art.227)) No. 39 of 2025 thereat also perishes with the CRP and the same is also dismissed. Though obvious it is made clear that the interim order operating in MC(CRP(CRP.Art.227)) No. 39 of 2025 now stands effaced. As regards captioned MC(CRP(CRP.Art.227)) No. 45 of 2025 & MC(CRP(CRP.Art.227)) No. 67 of 2025 which have been filed by respondents for vacating the interim order and for clarification qua interim order, the same have become otiose and therefore, the same are disposed of as closed. This Court refrains itself from imposing costs.

CHIEF JUSTICE

NFR/FR

Indrajeet

P.S. I : Upload forthwith.

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