Item No. 19

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

TR. P. (C) No. 5 of 2019

1. Shri P.G. Gaithaothui, aged 61 years, S/o Shri Makusingpou Chief / Headman of Majuron Kabui Village, P.O. & P.S. Loktak, Kangvai Sub-Division, Churachandpur, Manipur – 795128.

2. Shri Ph. Khuigailung S/o (L) Ph. Ninguipou, Chief of Kokodan Khullen Village, Kangvai Sub-Division, Churachandpur District, Manipur – 795128.

3. Shri K. Adim, S/o (L) K. Khudietpou, chief of Thenjang Village, Kangvai Sub-Division, Churachandpur District, Manipur – 795128.

4. Shri Kamunaipou, S/o (L) Mathiuhem, Chief of Dimdailong Village, Kangvai Sub-Division, Churachandpur District, Manipur – 795128.

5. Shri Adim Pamei S/o Gingapou Pamei, Vice Chairman, Manipur State Disaster Management Authority (MSDMA), a resident of Tourengpung Village, Khoupum Sub-Division, Noney District, Manipur.

6. Shri Agang Gangmei, S/o Khugapou Gangmei, Chairman of Manipur State Disaster Management Authority (MSDMA), R/o Majuron Kabui Village, Kangvai Sub-Division, Churachandpur District, Manipur.

….*Petitioners*

- Versus -

1. Shri Dongkhopao Haokip, aged about 67 years, S/o (L) Paokholam Haokip, Chief of New Kungpi Village, Kangvai Sub-Division, P.O. & P.S. Loktak Project, Churachandpur District, Manipur.

2. Shri Sonkhomang Haokip aged about 46 years, S/o (L) Jamkhodang Haokip, in-charge Chief of Lamdabn Kuki Village, Kangvai Sub-Division, P.O & P.S. Lokak Project, Churachandpur District, Manipur.

3. Shri Namsachung, Chief of Kokadam Daron, Kangvai Sub-Division, Churachandpur.

…Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR

For the petitioners	:	Mr. Julius Riamei, Advocate
For the respondents	:	Mr. Th. Henba, Advocate
Date of hearing & order	:	04.03.2020

O R D E R

[1] Heard Mr. Julius Riamei, learned counsel appearing for the petitioners and Mr. Th. Henba, learned counsel appearing for the respondents.

[2] Prayer in the petition reads as follows :

> *"i) Pass an order or direction by transferring the Original Suit (Injunction) Case No. 1 of 2018 pending the Court of Civil Judge (Junior Division), Churachandpur, Manipur to the Court of Civil Judge (Junior Division), Bishnupur, Manipur or any other competent Court.*
>
> *ii) Pass any other appropriate order / orders that this Hon'ble Court deem fit and proper in the facts and circumstances of the case."*

[3] Transfer petition has been filed under Section 24 of the Code of Civil Procedure, 1908 for transfer of Original Suit (Injunction) Case No. 1 of 2018 pending before the Court of Civil Judge (Junior Division), Churachandpur to the Court of Civil Judge (Junior Division), Bishnupur, or any other competent Court.

[4] The petitioners are defendants and the respondents are plaintiffs in the suit. The relief sought for in the suit is for injunction.

[5] The petitioners and defendants are belonging to different communities. Due to probable law and order situation which may arise

animosity between the parties, due to animosity the transfer petition has been filed to transfer the case from the Court of Civil Judge (Junior Divisioln), Churachandpur to the Court of Civil Judge (Junior Division), Bishnupur or any other competent Court. The case relates to claim for title to property. Both the parties are coming from different hill areas. It is pleaded in common that there is likelihood of both parties getting into altercation or communal clash. On that premise, the transfer petition has been filed.

[6] Mr. Th. Henba, learned counsel appearing for the respondents states that the allegation of the petitioners is denied. However, in order avoid untoward incidents he has no objection for transfer of the case from the Court of Civil Judge (Junior Division), Churachandpur to the Court of Civil Judge (Junior Division), Bishnupur or any other competent Court.

[7] Considering the nature of the dispute between the parties in respect of title over the land and both the parties are coming from different tribal communities, apparently suffering from long standing communal discord and in order to avoid communal clash, the prayer for transfer of the case from the Court of Civil Judge (Junior Division), Churachandpur is accepted and accordingly, the petitioner is allowed with a direction to transfer the case to the Court of Civil Judge (Junior Division), Imphal East. Such order is passed in the interest of justice and to ensure that rights of both the parties are safeguarded.

[8] Transfer petition is allowed as above.

CHIEF JUSTICE

bipin WAIKHOM TONEN MEITEI