JOHN TELEN KOM Digitally signed by JOHN TELEN KOM Date: 2024.12.20 09:09:54 +05'30'

Item No. 37(DB)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(Mat.App)No.5 of 2024

Hijam Ongbi Toijam Joplin Lyngdoh

Applicant

Vs.

Hijam Khelendro Singh

Respondent

BEFORE
HON'BLE THE CHIEF JUSTICE MR. D. KRISHNAKUMAR
HON'BLE MRS. JUSTICE GOLMEI GAIPHULSHILLU KABUI

18.12.2024

Golmei Gaiphulshillu Kabui, J. :

Mr. TH. Henba, learned counsel, appears for the applicant.

In spite of service, the respondent failed to appear before this Court today.

The learned counsel appearing for the petitioner herein prays for condoning the delay on the following grounds:

i) 25/04/2023 - Hearing was done and fixed 27/04/2024 for order.

ii) 27/04/2023 - No order was announced and Bench clerk informed that order could not prepared and no further date for order is affixed as Case Record is also at the residence of Presiding Officer.

iii) 30/04/2023-date on which Presiding Officer retired from service as her extension period of service ends.

iv) 03/05/2023 Curfew imposed because of violence between Kuki and Meitei communities.
v) September 2023 - Petitioner No 1 came to learn from the uploaded case status that said case is disposed on 27/04/2023 as uncontested. But case record is not returned to record room of Family Court.

vi) 11/10/2023-Petitioner No. 1 filed application to Registrar General, High Court of Manipur for giving direction to the authority concerned of Family court to trace out the case record.

vii) June 2023 (first week) - Case Record was handed over to Survi Singh Office Assistant of Family Court

viii) 15/06/2024 Office assistant informed both counsels of the parties about the return of the file with the dismissal order dated 27/04/2023

ix) 18/06/2024 Counsel for the Petitioners file Application for certified copy of the impugned order

x) 20/06/2024-Certified Copy of the Order issued

xi) 05/07/2024-Counsel for petitioner left Imphal for Delhi because of his urgent personal work and thus Petitioner engaged new counsel filing appeal.

xii) Some time - Newly engaged counsel took time while studying the case record.

We have gone through the application with the grounds taken therein and satisfied the grounds taken by the petitioner. Accordingly, the delay of 434(four Hundred & thirty four) is condoned.

With the above findings, the present condonation application is disposed of.

Accordingly, Registry is directed to number the appeal and list the same for admission.

JUDGE **CHIEF JUSTICE**

John Kom