OINAM THOIBA MEITEI Digitally signed by OINAM THOIBA MEITEI Date: 2025.05.19 11:32:16 +05'30'

Item No. 12

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

MC(CRP(CRP Art. 227) No. 34 of 2023

Ksh. Chandrakumar Singh and Anr.

... Applicants

- Versus -

Ph. Ibohal Singh and 3 Ors.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

ORDER

13.05.2025

[1] Heard Mr. N. Kumarjit, learned sr. counsel assisted by Mr. Th. Monish Anand, learned counsel for the applicants and Mr. A. Mohendro, learned counsel for the respondents.

[2] By the present application, the applicants pray for amendment of the petition in MC(CRP(CRP Art. 227)) No. 26 of 2021 by inserting Para No. 7 and the said para no. 7 is reproduced herein below:

> *"7. That it is submitted that the Decree dated 22.09.1982 passed by the Hon'ble Gauhati High Court in Civil Reference No. 2 of 1974 was obtained by practicing fraud in as much as the Plot No. 374/20 reflected in the Sale Deed dated 20.09.1955 has not been disclosed in the entire proceedings of the case and on the other hand, the decree was obtained in respect of Shop Plot No. 374/24. This being the situation, the Decree dated 22.09.1982 is a nullity in the eyes of law. As such, the decree is non-est, void ab-initio and non- executable. Further, such plea of obtaining the decree by practising fraud can be raised at any stage in any proceeding before any court as held by the Hon'ble Supreme Court of India in its decisions rendered in A.V. Papayya Sastry and Others vs. Govt. of A.P. and Others [(2007) 4 SCC 221] and other cases. Hence, the present Revision Petition is not maintainable and liable to be dismissed for the ends of justice."*

[3] It is submitted that inadvertently the proposed para no. 7 could not be added to the earlier MC(CRP(CRP Art. 227)) No. 26 of 2021 and by inserting para no. 7, the nature of the misc. application would not be changed.

[4] The learned counsels for the respondents has no objection.

[5] Accordingly, the present MC(CRP(CRP Art. 227)) No. 34 of 2023 is allowed and the proposed para no. 7 be inserted in MC(CRP(CRP Art. 227)) No. 26 of 2021.

[6] The applicants are permitted to make necessary incorporation in MC(CRP(CRP Art. 227)) No. 26 of 2021 and to file recast petition.

[7] The learned counsel for the respondents is also permitted to submit additional reply to the newly added para no. 7.

[8] With these observations, the present MC(CRP(CRP Art. 227)) No. 34 of 2023 is allowed and disposed of.

JUDGE

Thoiba