Item Nos. 3 & 4

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

CRP(CRP.Art.227) No. 47 of 2026

Mrs. Tombi Bibi, aged about 60 years, w/o late Md. Yusuf Khan/Ali of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

... Petitioner

-Versus-

Md. Amuba, s/o late Md. Babu @ Bapu Hazi of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur since deceased and represented by his legal Heirs (LRs) named below:

a) Mrs. Humei, aged about 69 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur, being expired and represented by her L.Rs.
   i. Md. Sahidur, aged about 48 years s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur at present Bishnupur Ward No. 2, Bishnupur District, Manipur.
   ii. Md. Apikpi, aged about 45 years, s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.
   iii. Md. Indraman, aged about 42 years, s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur at present Lilong Ushoipokpi, P.S Lilong, Thoubal District, Manipur.
   iv. Md. Abothem, aged about 40 years, s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur at present Sora P.S. Khongjom, Thoubal - District Manipur.
   v. Md. Sadam, aged about 34 years, s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong Manipur, at present Lilong Ushoipokpi, P.S. Lilong, Thoubal District, Manipur.
b) Mrs. Mani, aged about 67 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.
c) Mrs. Sanahanbi, aged about 65 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

... Respondent/s

With

MC(CRP(CRP.Art.227)) No. 84 of 2026

Mrs. Tombi Bibi, aged about 60 years, w/o late Md. Yusuf Khan/Ali of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

... Applicant/Petitioner

-Versus-

Md. Amuba, s/o late Md. Babu @ Bapu Hazi of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur since deceased and represented by his legal Heirs (LRs) named below:

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   v. Md. Sadam, aged about 34 years, s/o late Humei of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong Manipur, at present Lilong Ushoipokpi, P.S. Lilong, Thoubal District, Manipur.

b) Mrs. Mani, aged about 67 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

c) Mrs. Sanahanbi, aged about 65 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

... Respondent/s

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For revision petitioner	Mr. Lourembam Nongthang Ngamba along with Mr. A. Phulchand Sharma, Advocates.
Date of Judgment & Order	**29.10.2026**

JUDGMENT AND 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.	CPC	Code of Civil Procedure, 1908 (5 of 1908)
4.	said Trial Court	Court of Civil Judge(Junior Division) cum Judicial Magistrate First Class, Thoubal
5.	impugned order	Order dated 06.07.2026 in Judl. Misc. Case No. 375 of 2025 in Judl. Misc. Case No. 288 of 2025 (Ref: O.S. No. 4 of 2017)

[2] Captioned CRP has been presented in this Court on 31.08.2026 (filed after removal of objections on 21.09.2026) invoking Article 227 of the Constitution, assailing the impugned order.

[3] In and *vide* impugned order, an application being Judl. Misc. Case No. 375 of 2025 in Judl. Misc. Case No. 288 of 2025 (Ref: O.S. No. 4 of 2017)

taken out by lone plaintiff in the main suit with a prayer to file replication, has been rejected.

[4] Captioned matter is in the Admission Board and it is listed under the cause-list caption 'ADJOURNED ADMISSION'.

[5] Mr. Lourembam Nongthang Ngamba, learned counsel on record for revision petitioner/MC applicant along with Mr. A. Phulchand Sharma, co-counsel is before this Court.

[6] Factual matrix in a nutshell is that the CRP petitioner presented a plaint dated 27.01.2017 in the said Trial Court with prayers *inter alia* for declaration of title *qua* suit land, cancellation of a Registered Sale-Deed, cancellation of Jamabandi patta and costs besides usual residuary prayer limb; that the defendants in the suit completed pleadings by filing written statement dated 05.08.2017; that pending suit, Judl. Misc. Case No. 38 of 2022 being an injunction application was taken out by the plaintiff with a prayer to restrain defendants from filling earth or trying to possess, occupy suit land; that this injunction application was dismissed on 15.06.2022; that thereafter, the plaintiff took out another application being Judl. Misc. Case No. 288 of 2025 (application dated 22.07.2025) with prayers *inter alia* to vacate the defendants from the suit land by demolishing the structures said to have been put up therein; that the defendants filed objections to this application; that pending this application, owing to the contents of the objections filed by the defendants in Judl. Misc. Case No. 288 of 2025, the plaintiff took out one more judicial miscellaneous case being Judl. Misc. Case No. 375 of 2025 with a prayer to file replication and this application is dated 03.10.2025; that this application, with a prayer to file replication, taken out by the

plaintiff was dismissed by the said Trial Court in and *vide* impugned order (impugned order dated 06.07.2026); that the CRP petitioner who is plaintiff before the said Trial Court, contending that she is aggrieved by the impugned order, has presented the captioned CRP along with captioned MC thereat in this Court on 31.08.2026 as alluded to *supra* and after removal of defects it has been filed on 21.09.2026.

[7] Before plunging into the matter, it is deemed appropriate to write that a perusal of Judl. Misc. Case No. 375 of 2025 brings to light that it has been filed by resorting to Order VIII Rule 9 of CPC, however, in the impugned order, said Trial Court has referred to the same as an application under Order VII Rule 9. This is obviously a typographical error. Be that as it may, as regards the replication application, Mr. Lourembam Nongthang Ngamba, learned counsel on record for CRP/MC applicant notwithstanding myriad grounds in memorandum of CRP, adverted to the objections of defendants in Judl. Misc. Case No. 288 of 2025, more particularly, paragraph No. 2 thereat and submitted that the suit was originally filed and conducted by another counsel. Thereafter, learned counsel submitted that there are certain errors *qua* pleadings in the plaint and that has necessitated the filing of the replication application.

[8] A careful perusal of the impugned order brings to light that said Trial Court has opined that contents of written objection in a Judl. Misc. Case with a prayer to vacate defendants from suit land by demolishing super structure cannot be the basis for filing a replication application, that too, when the suit is at a very advanced stage and when it is listed for final arguments.

[9] This Court carefully considered the case file, impugned order and the submissions of learned counsel for CRP petitioner/MC applicant. The burden of song of CRP petitioner/MC applicant is that some errors in pleadings (plaint) have been made by erstwhile counsel for plaintiff, the same have to be set right for effectively pursuing a Judl. Misc. Case No. 288 of 2025 filed with a prayer for vacating the defendants from suit land by demolishing super structures set to have been put up and therefore the replication application ought to have been allowed.

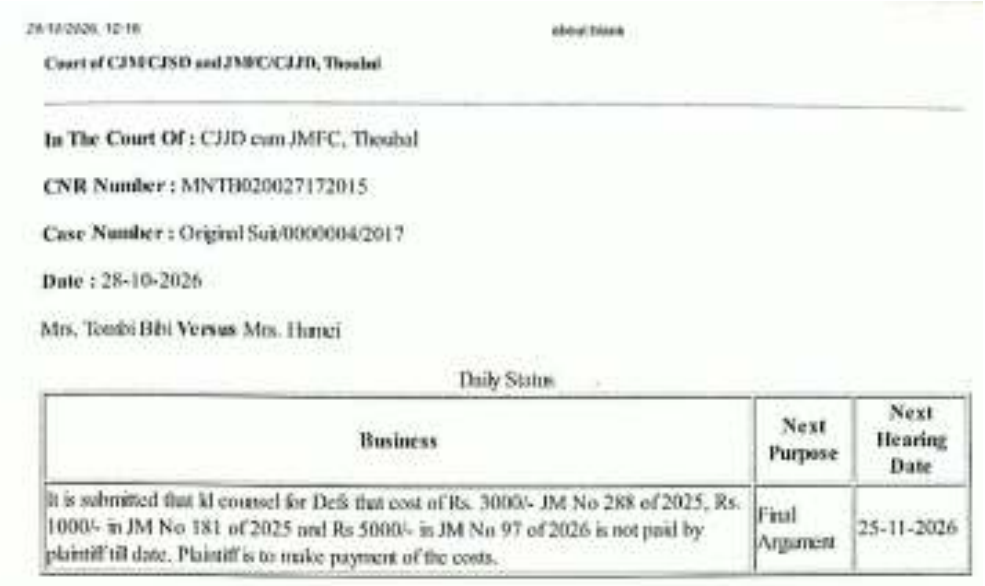
[10] This Court finds that the captioned CRP is bereft of merits and it deserves to be dismissed. The reasons are as follows:

i. A replication application under Order VIII Rule 9 of CPC can be filed only with the leave of the Court post written statement. The written statement was filed on 05.08.2017 and in less than 1(one) year from now the written statement will be 1(one) decade old. Post written statement in 2017, injunction application was taken out in 2022, the same was dismissed on 15.06.2022 and thereafter, Judl. Misc. Case No. 288 of 2025 has been taken out. It is clearly too late in the day besides protraction and procrastination. In any event, a replication application under Order VIII Rule 9 cannot be filed for the purpose of buttressing an interlocutory application in a suit;

ii. If pleadings have to be amended, the plaintiff has to resort to Order VI Rule 17 of CPC. In the light of the amended Order VI Rule 17 of CPC, amendments post completion of pleadings/commencement of trial is an exception. The plaintiff, without even attempting to resort to Order VI Rule 17, has filed a replication application that too, on

the ground that it is necessary for buttressing an interlocutory application. Therefore, this Court finds no error or infirmity in the impugned order of the said Trial Court;

iii. This Court finds from the e-Court website that the suit itself is at a very advanced stage and it is scheduled to be next listed on 25.11.2026 for final arguments. A scanned reproduction of the download from the e-Court website is as follows:



28/10/2026, 12:16 about:blank

Court of CJM/CJSD and JMIC/CJJD, Thoubal

In The Court Of : CJJD cum JMFC, Thoubal

CNR Number : MNTB020027172015

Case Number : Original Suit/0000004/2017

Date : 28-10-2026

Mrs. Tombi Bibi **Versus** Mrs. Hanei

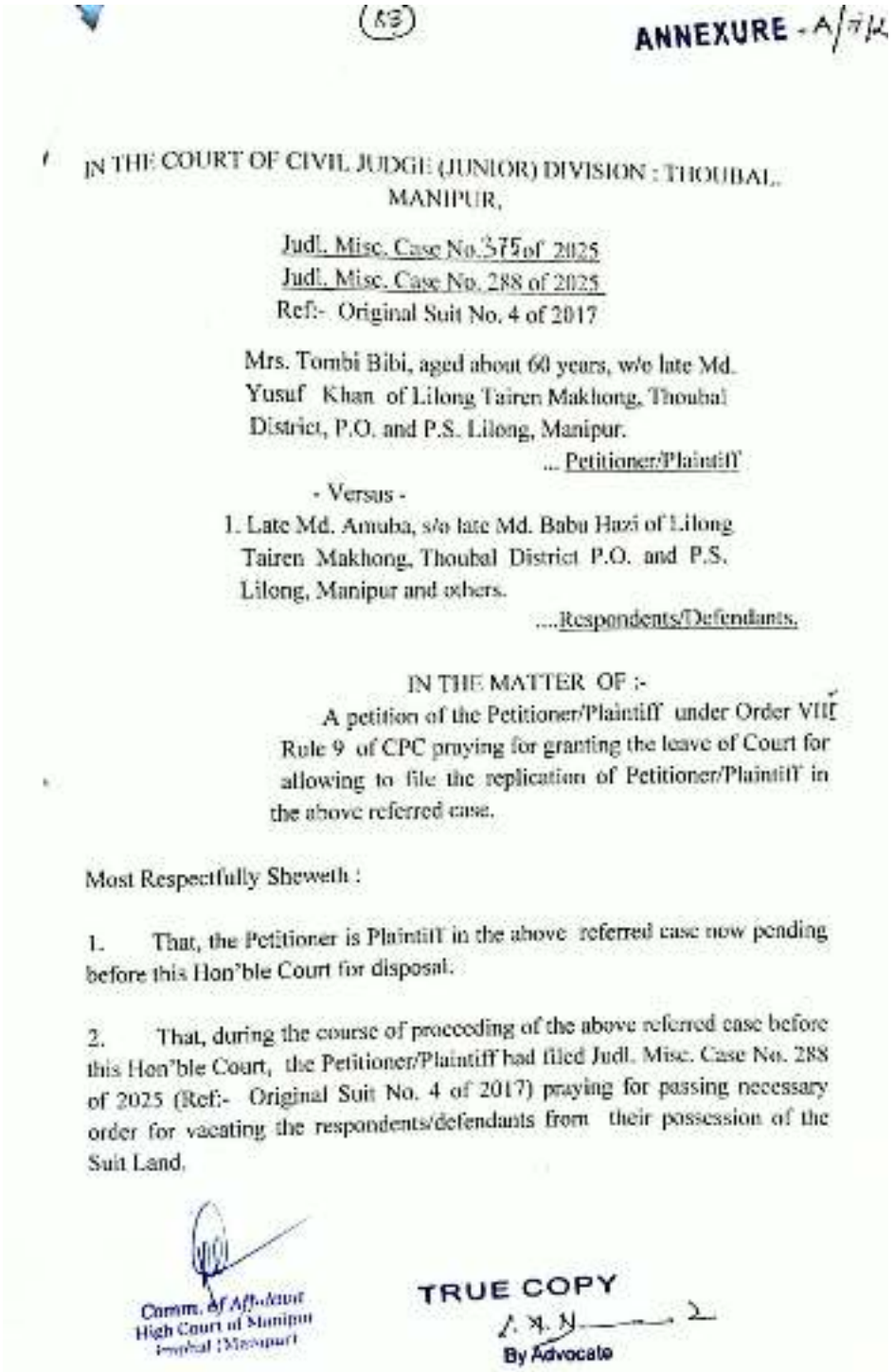
Daily Status

Business	Next Purpose	Next Hearing Date
It is submitted that ld counsel for Defs that cost of Rs. 3000/- JM No 288 of 2025, Rs. 1000/- in JM No 181 of 2025 and Rs 5000/- in JM No 97 of 2026 is not paid by plaintiff till date. Plaintiff is to make payment of the costs.	Final Argument	25-11-2026

iv. In less than 3(three) months from now, the plaint itself will be 1(one) decade old. As already alluded to supra, the suit is for declaration of title, cancellation of registered sale deed and allied reliefs;

v. It is seen that the contents of the replication application are to the effect that the plaintiff wants to file replication in response to written objection of defendants in Judl. Misc. Case No. 288 of 2025. Therefore, this Court deems it appropriate to extract and reproduce the short application for replication being application dated

03.10.2025 and a scanned reproduction of the same (together with support affidavit) is as follows:



(13)

ANNEXURE - A/7

IN THE COURT OF CIVIL JUDGE (JUNIOR) DIVISION : THOUBAL, MANIPUR,

Judl. Misc. Case No.375 of 2025
Judl. Misc. Case No. 288 of 2025
Ref:- Original Suit No. 4 of 2017

Mrs. Tombi Bibi, aged about 60 years, w/o late Md. Yusuf Khan of Lilong Tairen Makhong, Thoubal District, P.O. and P.S. Lilong, Manipur.

... Petitioner/Plaintiff

- Versus -

1. Late Md. Amuba, s/o late Md. Babu Hazi of Lilong Tairen Makhong, Thoubal District P.O. and P.S. Lilong, Manipur and others.

....Respondents/Defendants.

IN THE MATTER OF :-

A petition of the Petitioner/Plaintiff under Order VIII Rule 9 of CPC praying for granting the leave of Court for allowing to file the replication of Petitioner/Plaintiff in the above referred case.

Most Respectfully Sheweth :

1. That, the Petitioner is Plaintiff in the above referred case now pending before this Hon'ble Court for disposal.

2. That, during the course of proceeding of the above referred case before this Hon'ble Court, the Petitioner/Plaintiff had filed Judl. Misc. Case No. 288 of 2025 (Ref:- Original Suit No. 4 of 2017) praying for passing necessary order for vacating the respondents/defendants from their possession of the Suit Land.

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

TRUE COPY

By Advocate

3. That, then the respondents/defendants in reply thereof had filed Written Objection to the said petition of petitioner. And that the Petitioner/Plaintiff desires to file replication in response to the said Written Objection. Hence this leave petition.

4. That, the Hon'ble Court be pleased to allow the prayer of Petitioner/ Plaintiff for filing replication. Unless the prayer of Petitioner/Plaintiff be allowed an irreparable loss and injury shall cause to her and such loss and injury cannot be compensated in terms of money.

It is, therefore, prayed that Your Honour be pleased to allow the prayer of Petitioner/Plaintiff for filing the replication subsequent to the filing of Written Objection in the above referred case; for the ends of justice.

Dated/Thoubal,
The 3rd October, 2025

Signature of the Petitioner/Plaintiff
Sd/-

VERIFICATION

Verified that the above statements made in the foregoing paras No. 1 to 4 of the accompanying petition those concerning facts are all true and correct to the best of my knowledge and belief and those points of law contained thereof are true to my information which I verily believe to be true and the rest of paragraphs are my humble submission and prayer.

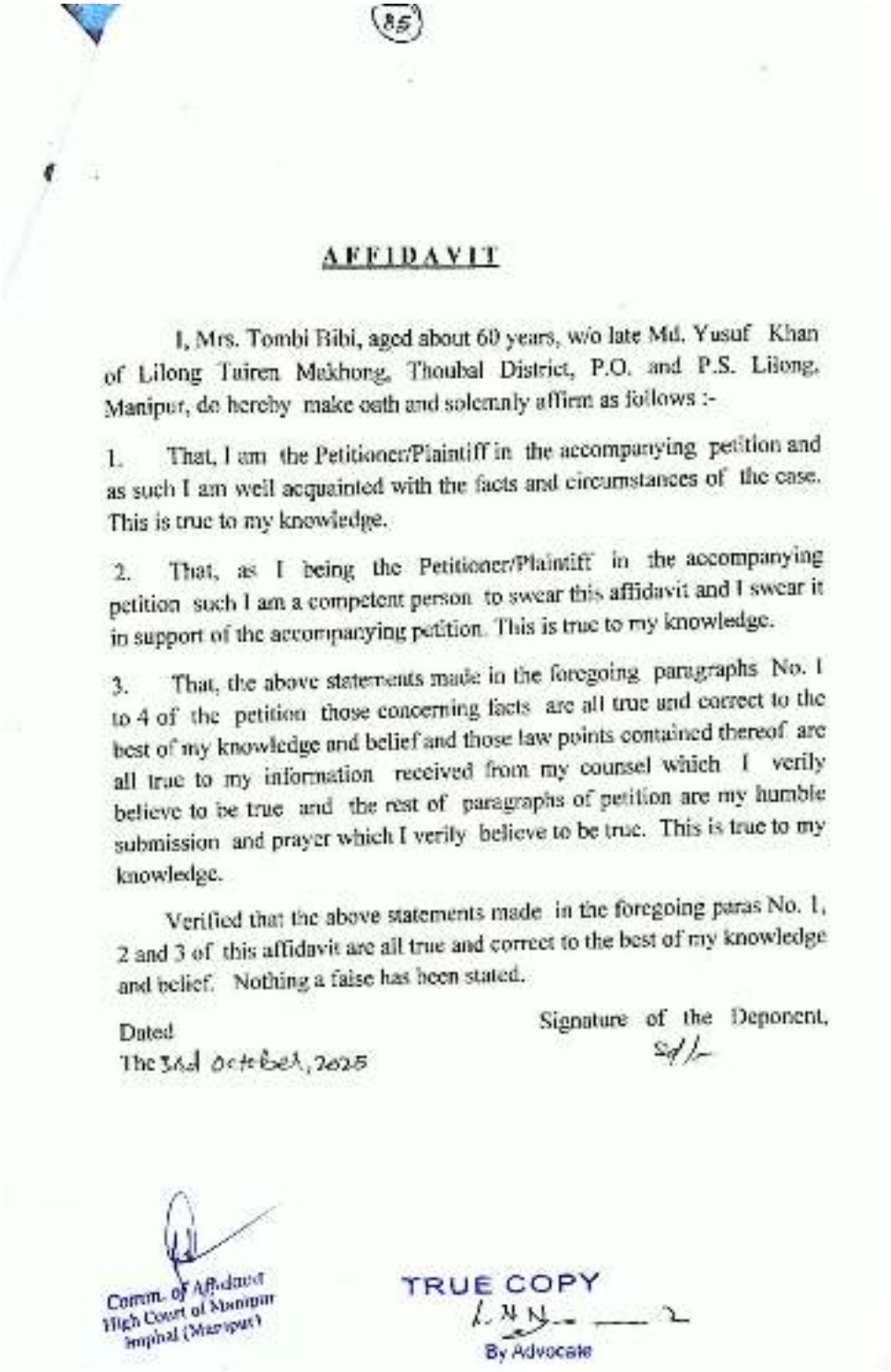
Signed on this 3rd day of October, 2025 at Thoubal.

Signature of the Declarent,
Sd/-

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

TRUE COPY

By Advocate



(85)

AFFIDAVIT

I, Mrs. Tombi Bibi, aged about 60 years, w/o late Md. Yusuf Khan of Lilong Tairen Mekhong, Thoubal District, P.O. and P.S. Lilong, Manipur, do hereby make oath and solemnly affirm as follows :-

1. That, I am the Petitioner/Plaintiff in the accompanying petition and as such I am well acquainted with the facts and circumstances of the case. This is true to my knowledge.

2. That, as I being the Petitioner/Plaintiff in the accompanying petition such I am a competent person to swear this affidavit and I swear it in support of the accompanying petition. This is true to my knowledge.

3. That, the above statements made in the foregoing paragraphs No. 1 to 4 of the petition those concerning facts are all true and correct to the best of my knowledge and belief and those law points contained thereof are all true to my information received from my counsel which I verily believe to be true and the rest of paragraphs of petition are my humble submission and prayer which I verily believe to be true. This is true to my knowledge.

Verified that the above statements made in the foregoing paras No. 1, 2 and 3 of this affidavit are all true and correct to the best of my knowledge and belief. Nothing a false has been stated.

Dated
The 3rd October, 2025

Signature of the Deponent,

Comm. of Affidavit
High Court of Manipur
Imphal (Manipur)

TRUE COPY

By Advocate

vi. It is also seen from the proceedings of the Trial Court that it has recorded the submission that costs imposed in at least 3(three) earlier Judl. Misc. Cases had not been paid by the plaintiff till date;

vii. It comes across as an attempt to delay and if possible derailing the suit.

[11] As already alluded to supra, captioned CRP is bereft of merits and the same deserves to be dismissed and adumbration of reasons i.e., dispositive reasoning has been set out supra.

[12] Ergo, the sequitur is, captioned CRP fails and the same is dismissed. Consequently, captioned MC thereat also perishes with the main CRP and the same is also dismissed. This Court refrains itself from imposing costs.

CHIEF JUSTICE

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.

LAIRENMAYUM INDRAJEET SINGH
Digitally signed by LAIRENMAYUM INDRAJEET SINGH
Date: 2026.10.29 18:54:05 +05'30'