*Item Nos. 8 & 7*

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

**CRP (CRP. Art.227) No. 35 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.

**... Respondents**

With

**MC [CRP(CRP.Art.227)] No. 83 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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   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.
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c) Mrs. Sanahanbi, aged about 65 years, w/o late Md. Amuba of Lilong Tairen Makhong, Thoubal District, P.O. & P.S. Lilong, Manipur.

**... Respondents**

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

| | |
|---|---|
| For revision petitioner | Mr. Lourembam Nongthang Ngamba along with A. Phulchand Sharma, Advocate |
| **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 03.06.2026 in Judl. Misc. Case No. 97of 2026<br>Ref: i. Original Suit No. 4 of 2017<br>ii. Judl. Misc. Case No. 54 of 2026 |

**[2]** Captioned CRP has been presented in this Court on 17.07.2026 (objections removed and filed on 04.08.2026) invoking Article 227 of the Constitution of India, assailing the impugned order.

As regards captioned MC, the same has been presented in this Court on 16.10.2026 (objections removed and filed on 22.10.2026) with a prayer to file

2 (two) annexures in addition to the 5 (five) annexures already filed with the main CRP.

**[3]** Captioned matter is in the Admission Board and listed under the cause list caption 'ADJOURNED ADMISSION' today.

**[4]** Mr. Lourembam Nongthang Ngamba along with Mr. A. Phulchand Sharma, learned counsel on record for revision petitioner is before this Court (physical Court).

**[5]** Factual matrix in a nutshell is that the plaintiff 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 dated 27.06.1998, cancellation of Jamabandi patta, costs and the usual residuary limb of reliefs which the Court deems proper and just; that the suit was filed against the legal heirs of one Md. Amuba; that along with the plaint, 4 (four) plaint documents were filed; that on receipt of suit summons, the defendants entered appearance and filed a joint written statement dated 05.08.2017 along with 3 (three) documents; that the suit/trial is now proceeding in said Trial Court; that multiple interlocutory applications were filed; that the suit is now listed on 25.11.2026 for final argument in the said Trial Court; that in the interregnum, plaintiff took out an application dated 23.02.2026 which was taken on file as Judl. Misc. Case No. 97 of 2026; that this Judl. Misc. Case was filed by the plaintiff invoking Section 151 of CPC and the prayer was to call for enquiry report from officer concerned of Lilong Police Station; that the case of the plaintiff is, Registered Sale-Deed dated 27.06.1998 executed

by her in favour of late Md. Amuba was executed under coercion (at gun point) and the enquiry report from Lilong Police Station is regarding this coercion and execution of Registered Sale- Deed on 27.06.1998; that this Judl. Misc. Case No. 97 of 2026, after full contest, was negatived by the Trial Court in and by the impugned order *inter alia* holding that it is vexatious and the Trial Court also imposed costs of Rs. 5,000/-; that the impugned order is predicated *inter alia* on the ground that GD Number, FIR Number or Receipt Number of the complaint said to have been filed by plaintiff in the Police Station have not been given; that plaintiff contending that she is aggrieved by the impugned order has come to this Court *vide* captioned CRP.

**[6]** At the outset, after presenting/filing main CRP on the dates mentioned *supra* even before the matter was taken up for Admission, captioned MC with a prayer for filing 2(two) more Annexures in addition to the 5(five) Annexures filed with the main CRP was taken out. The 2 (two) Annexures sought to be added pertain to copies of a Revenue Misc. Case in Revenue Tribunal Thoubal with order dated 08.07.2016 thereat and copy of Judl. Misc. Case No. 124 of 2025 in the Original Suit on the file of said Trial Court which has been filed with a prayer to allow the plaintiff to produce additional witnesses.

Afore-referred captioned MC i.e., MC [CRP(CRP.Art.227)] No. 83 of 2026 is ordered/allowed as prayed for as the prayer is innocuous and therefore, the CRP will now be considered along with these 2 (two) Annexures.

**[7]** Reverting to the main CRP, Mr. LN. Ngamba, learned counsel adverted to the impugned order and submitted that the impugned order proceeds on the basis that plaintiff, besides not giving the GD Number, FIR Number has not given the Receipt Number for the complaint given in the police station, complaint given to Superintendent of Police as well as Director General of Police, Manipur. Learned counsel drew the attention of this Court to complaint dated 03.12.2025 given to the jurisdictional Superintendent of Police (SP, Thoubal) and submitted that it does have a Receipt Number, the Receipt Number is 8459 and it is dated 03.12.2025. Likewise, learned counsel drew the attention of this Court to the complaint dated 20.01.2026 given to the Director General of Police, Manipur and pointed out that there is a Chappa and a signature dated 20.01.2026 (but this Court notices that Receipt Number is blank).

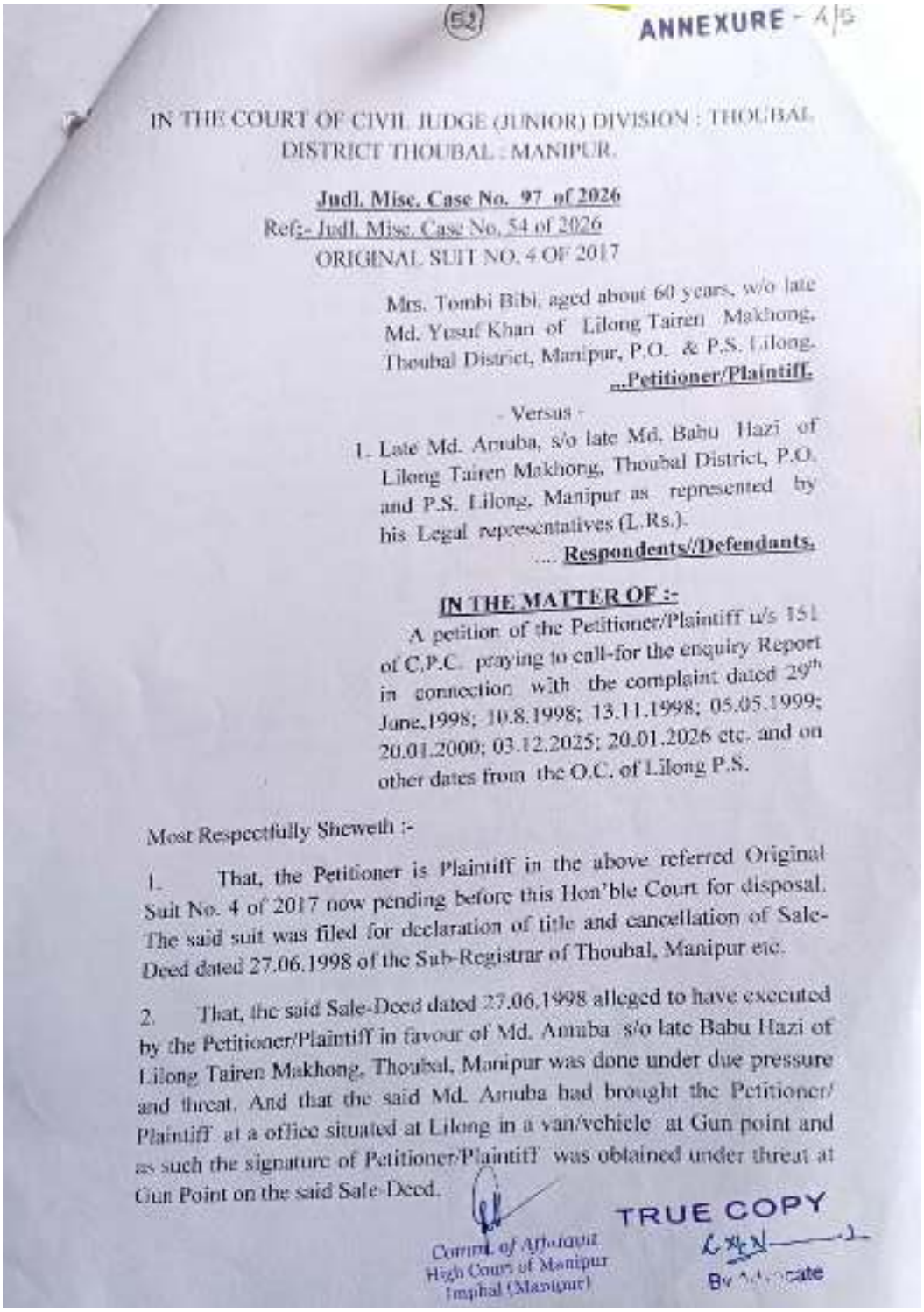
**[8]** This Court carefully examined the facts and circumstances of the case.

**[9]** The case of the plaintiff is that she purchased suit land under a Sale-Deed dated 20.12.1997, she embraced Islam on marrying her husband (late Md. Yusuf Khan) and under such circumstances, suit land was forcibly alienated to one Md. Amuba *vide* a Registered Sale-Deed dated 27.06.1998. In the plaint, the plaintiff has averred that during the life time of late Md. Amuba, she did not file any case for cancellation of Registered Sale-Deed dated 27.06.1998 as she was afraid of alleged criminal behaviour of late Md. Amuba and after getting certified copy of Revenue Tribunal orders, she filed the case in 2017 nearly 2(two) decades

i.e., nearly twenty years later. Learned counsel fairly submitted that he does not know the exact date of death of Md. Amuba, to be noted, this has not been pleaded in the plaint. In the written statement, the legal heirs of late Md. Amuba have refuted, denied and disputed forcible execution of Sale-Deed and the defendants have submitted that the suit land was purchased by execution and registration of Sale-Deed dated 27.06.1998 out of free will and consent of the plaintiff for valuable consideration and thereafter mutation order was made by the jurisdictional Sub Deputy Collector, delivery of possession was also given by the plaintiff with full consent and that the defendants are in possession of suit land/property. Issues were framed on 02.11.2017, examination of witnesses commenced on 02.01.2018, examination of witnesses and marking of exhibits on both sides has been completed and the case was listed for final arguments on 23.09.2026. Thereafter, it has been adjourned twice and it now stands over for final arguments on 25.11.2026.

**[10]** A careful perusal of pleadings in Judl. Misc. Case No. 97 of 2026 more particularly paragraph 3 thereat brings to light that plaintiff has affirmed and averred that she reported to the then Officer-in-Charge of Lilong Police Station and Thoubal Police Station for taking necessary action regarding forcible execution of Registered Sale-Deed dated 27.06.1998 and plaintiff has averred with specificity and exactitude that such reporting was made on 29.06.1998, 10.08.1998, 13.11.1998, 05.05.1999 and 20.01.2000 and other dates. Judl. Misc. Case No. 97 of 2026 consists of only 3 (three) paragraphs in all and therefore, instead of

extracting and reproducing paragraph 3 alone, this Court deems it appropriate to extract and reproduce the entire application along with supporting affidavit thereat and the same is as follows:



ANNEXURE - A/5

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

**Judl. Misc. Case No. 97 of 2026**
Ref:- Judl. Misc. Case No. 54 of 2026
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, Manipur, P.O. & P.S. Lilong.
**...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 as represented by his Legal representatives (L.Rs.).
**.... Respondents/Defendants.**

**IN THE MATTER OF :-**

A petition of the Petitioner/Plaintiff u/s 151 of C.P.C. praying to call-for the enquiry Report in connection with the complaint dated 29th June,1998; 10.8.1998; 13.11.1998; 05.05.1999; 20.01.2000; 03.12.2025; 20.01.2026 etc. and on other dates from the O.C. of Lilong P.S.

Most Respectfully Sheweth :-

1. That, the Petitioner is Plaintiff in the above referred Original Suit No. 4 of 2017 now pending before this Hon'ble Court for disposal. The said suit was filed for declaration of title and cancellation of Sale-Deed dated 27.06.1998 of the Sub-Registrar of Thoubal, Manipur etc.

2. That, the said Sale-Deed dated 27.06.1998 alleged to have executed by the Petitioner/Plaintiff in favour of Md. Amuba s/o late Babu Hazi of Lilong Tairen Makhong, Thoubal, Manipur was done under due pressure and threat. And that the said Md. Amuba had brought the Petitioner/ Plaintiff at a office situated at Lilong in a van/vehicle at Gun point and as such the signature of Petitioner/Plaintiff was obtained under threat at Gun Point on the said Sale-Deed.

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

TRUE COPY

By Advocate

(53)



3. That, as the incident was happened such the Petitioner/Plaintiff had reported to the then Officer-in-charges of Lilong P.S. and Thoubal P.S. for taking necessary action against those culprits/criminals for commission of crime on 29.06.1998; 10.08.1998;13.11.1998; 05.05.1999; 20.01.2000 and on other dates. Subsequently the Petitioner/Plaintiff had lodged complaint to the S.P./Thoubal on 3rd December, 2025 and then to the D.G.P., Manipur on 20.01.2026 for taking necessary action against those culprits. Recently in the early part of year 2026; the O.C. of Lilong P.S. had conducted enquiry with regard to the incident and as such to call-for the enquiry report from the said O.C. of Lilong P.S. is highly required. Deficiency of evidences should occurred unless the prayer of Petitioner/Plaintiff be allowed to call-for the enquiry report from the O.C. of Lilong P.S.

In the above facts and circumstances; Your Honour be pleased to allow the prayer of Petitioner/Plaintiff to call-for the enquiry report from the O.C. of Lilong P.S.; for the ends of Justice.

Signature of the Petitioner/Plaintiff,

Dated/Thoubal,
The 23rd February, 2026.

By:-
Advocate.

## VERIFICATION

It is verified that the above statements made in paras No. 1, 2 and 3 of this petition are all true and correct to the best of my knowledge and belief except those law points and those legal points contained thereof are all true to my information received from my counsel which I verily believe to be true.

Signature of the Declarent,

Dated/Thoubal,
The 23rd February, 2026/

By:-
Advocate.

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

TRUE COPY

By Advocate

(54)

## AFFIDAVIT

I, Mrs. Tombi Bibi, aged about 60 years, w/o late Md. Yusuf Khan of Lilong Tairen Makhong, Thoubal District, Manipur P.O. and P.S. Lilong, 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 such I am a competent person to swear this affidavit and I swear this affidavit in support of the accompanying petition. This is true to my knowledge.

3. That, the statements made in paras No. 1 to 3 of the accompanying petition are all true and correct to the best of my knowledge and belief except those law points and those legal points contained thereof are all true to my information received from my counsel which I verily believe to be true. This is true to my knowledge.

Verified that the statements made in 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.

Signature of the Deponent.

Dated/Imphal,
The 23rd February, 2026.

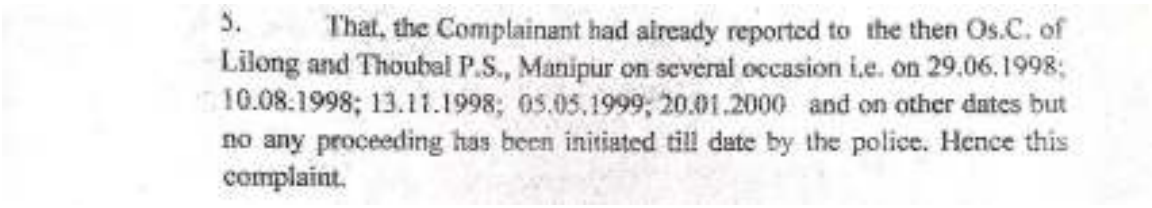
By:-
Advocate

TRUE COPY

By Advocate

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

**[11]** As would be evident from the narration thus far, issues were framed on 02.11.2017 and examination of plaintiff side witnesses commenced on 02.01.2018. Examination of witnesses and marking of exhibits concluded and the case was posted for final arguments on 23.09.2026. In this scenario, the first of the complaints to jurisdictional Superintendent of Police has been given on 03.12.2025 and another complaint has been given to the Director General of Police, Manipur on 20.01.2026. In the complaint given to the jurisdictional Superintendent of Police also, the dates on which the matter was reported to the Officer-in-Charge of Lilong and Thoubal Police Stations, 20 years ago has been given in paragraph 5 and scanned reproduction of the same is as follows:



5. That, the Complainant had already reported to the then Os.C. of Lilong and Thoubal P.S., Manipur on several occasion i.e. on 29.06.1998; 10.08.1998; 13.11.1998; 05.05.1999; 20.01.2000 and on other dates but no any proceeding has been initiated till date by the police. Hence this complaint.

**[12]** Reverting to the Receipt Number not being mentioned, even now, even in this Court, including the 2 (two) additional Annexures (A/6 & A/7) neither the GD Number nor the FIR Number has been placed before this Court, no Receipt Number for the reports/complaints made on 29.06.1998, 10.08.1998, 13.11.1998, 05.05.1999 and 20.01.2000 and other dates have been produced. The date of death of Md. Amuba is also not given. Therefore as regards complaint given in 2025 to the jurisdictional Superintendent of Police, though it is true that photocopy placed before this Court gives the Receipt Number as 8459 (dated 03.09.2025) as part of the seal i.e., receipt seal of the Officer of the Superintendent of Police is concerned it does not impact the dispositive reasoning *qua* impugned order and

further to be noted, there is no Receipt Number in the complaint given to the Director General of Police, Manipur on 20.01.2026.

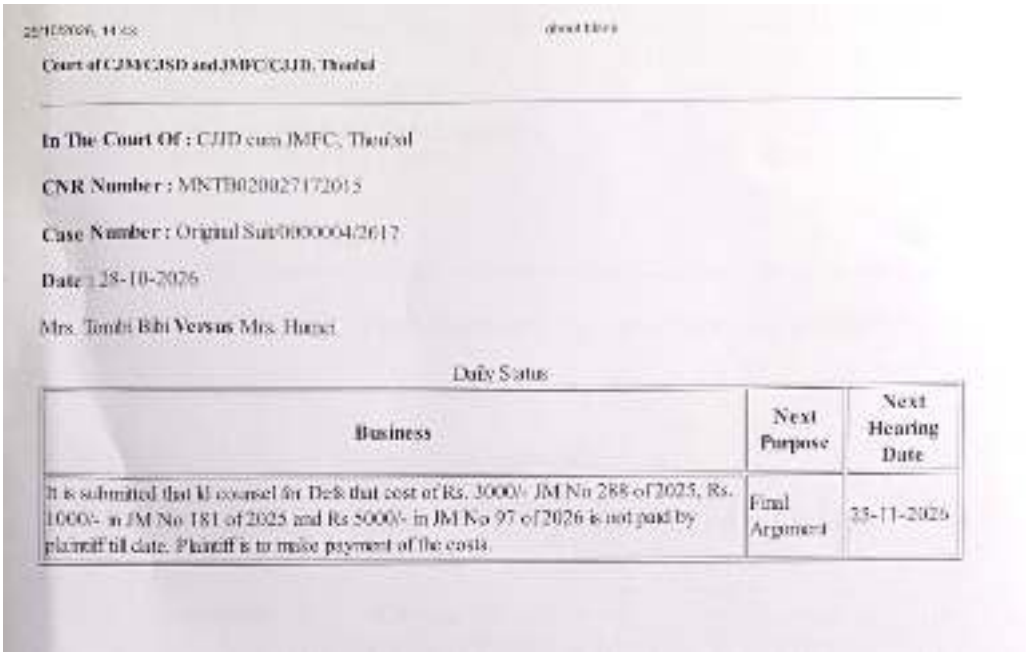
**[13]** There are specific provisions in CPC (as rightly pointed out by said Trial Court in the impugned order) and some of the provisions are Order XI Rule 14 captioned **production of documents** and Order XVI Rule 14 captioned **Court may of its own accord summon as witnesses strangers to suit**. To put it differently, these are *subpoena* applications, the plaintiff has not resorted to these provisions. On the contrary, the plaintiff has chosen to file Judl. Misc. Case No. 97 of 2026 under Section 151 of CPC. Resorting to Section 15 of CPC when there are specific provisions has been repeatedly deprecated, this Court is acutely conscious that quoting wrong provision of law or not quoting the correct provisions of law will neither disentitle the protagonist from getting relief nor denude the Court of the powers to grant relief. Therefore, this point really does not matter but what matters is the dispositive reasoning of the said Trial Court in the impugned order which says that plaintiff has not given the GD Number, FIR Number or Receipt Number for complaint filed in the police station. This Court also notices that while the alleged occurrence was way back on 27.06.1998, the first of the written complaint has been given almost 2 (two) decades later that too pending a 2017 suit and that is on 03.12.2025 to the jurisdictional superintendent of police which has been followed with another written complaint dated 20.01.2026 to the Director General of Police, Manipur. To be noted, as of December 2025, the suit itself was

more than 8(eight) years old and it was at a very advanced stage i.e., a stage where examination of witnesses and marking of documents have been completed.

**[14]** Another aspect of importance, is as already alluded to *supra,* plaintiff has filed 4 (four) documents with the plaint way back in 2017 and none of these documents pertain any complaint though the plaintiff very belatedly on 23.02.2026 in the Judl. Misc. Case No. 97 of 2026 is making an averment that complaints were made in 1998, 1999 and 2000 that too with specific dates ie., 29.06.1998, 10.08.1998, 13.11.1998, 05.05.1999 and 20.01.2000 but neither receipts nor copies have been filed. Therefore, this non-filing of copies or giving Receipt Numbers coupled with the fact that all this has been raised at a very advanced stage of the suit, belatedly by triggering two complaints to jurisdictional Superintendent of Police and Director General of Police, Manipur, this Court has no hesitation in sustaining the view of the said Trial Court that the miscellaneous case is vexatious and this Court also finds no reason to interfere with the dismissal of Judl. Misc. Case No. 97 of 2026 *vide* the impugned order.

**[15]** This Court finds that the entire exercise of filing Judl. Misc. No. 97 of 2026 so belatedly at such an advanced stage of the suit appears to be an attempt to delay the proceedings and if possible, derail the same. The said Trial Court will do well to continue with the suit which is now kept on 25.11.2026 for final arguments and conclude the same.

**[16]** Before writing the concluding paragraph of this order, this Court deems it appropriate to scan and reproduce the proceedings made by the said Trial Court in the listing on 28.10.2026 and the same is as follows:



Court of CJM/CJSD and JMFC/CJJD, Thoubal

In The Court Of : CJJD cum JMFC, Thoubal

CNR Number : MNTB020027172015

Case Number : Original Suit/000004/2017

Date : 28-10-2026

Mrs. Tandri Bibi Versus Mrs. Harun

Daily Status

| Business | Next Purpose | Next Hearing Date |
|---|---|---|
| It is submitted that ld counsel for Defn 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 |

**[17]** The above shows that the plaintiff has not paid costs imposed in other earlier applications. To be noted, another CRP arising out of another impugned order pertaining to a Judl. misc. case to file a replication was carried in revision being CRP (CRP. Art. 227) No. 47 of 2026 and the same has also been dismissed today *vide* a separate order made by this Court together with MC [CRP (CRP. Art. 227)] No. 84 of 2026 thereat.

**[18]** This Court, at this stage of the suit, in this round, refrains and restrains itself from increasing the cost imposed by the said Trial Court.

**[19]** Ergo, sequitur is, captioned CRP fails to pass muster in the Admission Board and the same is dismissed. As regards captioned MC, the same has been allowed/ordered as prayed for as already alluded to elsewhere *supra* in instant order and the two Annexures have also been considered in hearing out the main CRP. There shall be no order as to costs.

**CHIEF JUSTICE**

*Joshua/Sandeep*

**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.**

KABORAMBAM SANDEEP SINGH

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