

(2023) 01 MAN CK 0040

In the Manipur High Court

Case No : Miscellaneous Case (Civil Revision Petition (Civil Revision Petition Art. 227)) No. 3, 13 Of 2013

Haobijam Nabachandra Singh

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 18-01-2023

Acts Referred:

Citation : (2023) 01 MAN CK 0040

Hon'ble Judges : Sanjay Kumar, CJ

Bench : Single Bench

Advocate : H. Nabachandra, Lenin Hijam, S. Kaminikumar

Final Decision : Allowed

Judgement

Sanjay Kumar, CJ

[1] By way of MC(CRP(CRP Art.227)) No. 3 of 2013, the petitioner seeks condonation of the delay of 9 days in filing a revision against the order dated 14-01-2013 passed by the learned Civil Judge (Senior Division), Bishnupur, in Judl. Misc. Case No. 15 of 2012 (Ref: O.S. Case No. 6 of 2011). By way of MC(CRP(CRP Art.227)) No.13 of 2013, the petitioner seeks condonation of the delay of 122 days in filing a revision against the order dated 24-05-2013 passed by the learned Civil Judge (Senior Division), Bishnupur, in Judl. Misc. Case No. 81-A of 2012 (Ref: O.S. Case No. 6 of 2011).

[2] Heard Mr. H. Nabachandra Singh, the petitioner, appearing as a party-in-person; Mr. Lenin Hijam, learned Advocate General, Manipur, appearing for the State authorities; and Mr. S. Kaminikumar, learned CGSC, appearing for the Union of India.

[3] Insofar as MC(CRP(CRP Art.227)) No. 3 of 2013 is concerned, the delay is insubstantial, being a mere 9 days. Neither the learned Advocate General, Manipur, nor the learned CGSC oppose condonation of this meagre delay. The delay is accordingly condoned.

[4] As regards MC(CRP(CRP Art.227)) No. 13 of 2013, perusal of the photocopies of the Lower Court Record reflects that the Trial Court passed a docket order on 24-05-2013 in Judl. Misc. Case No. 81-A of 2013 noting that the plaintiff was absent and that an order was 'announced' in a separate sheet. However, the separate order dated 24-05-2013 begins with the phrase: 'Heard the petitioner....'. This apparent contradiction clearly shows that the petitioner herein was not present in Court on that day but despite the same, the Trial Court proceeded to pass an order on merits. As the petitioner was not aware of passing of the order, the delay on his part would have to be considered in terms of how he has explained it. Viewed thus, this Court finds sufficient cause made out to condone the delay and the same is accordingly condoned.

[5] MC(CRP(CRP Art.227)) No. 3 of 2013 and MC(CRP(CRP Art.227)) No. 13 of 2013 are allowed.

[6] Registry is directed to number the CRPs, if they are otherwise found to be in order, and list the same for admission expeditiously.