

**(2026) 08 MAN CK 0145**  
**In the Manipur High Court**  
**Case No : CRP(CRP.Art.227) No. 11 of 2026**

Oinam Ibomcha Singh

APPELLANT

Vs

Oinam Ramesh Singh

RESPONDENT

**Date of Decision :** 04-08-2026

**Acts Referred:**

Code of Civil Procedure, 1908 — Order XXXIX Rules 1 & 2, XLIII Rule 1(r)  
Constitution of India — Article 227

**Citation :** (2026) 08 MAN CK 0145

**Hon'ble Judges :** Lairenmayum Indrajeet Singh, C.J

**Bench :** Single Bench

**Final Decision :** Dismissed

## Judgement

### REPORTABLE

Item Nos. 3 & 4

### IN THE HIGH COURT OF MANIPUR

### AT IMPHAL

### CRP(CRP.Art.227) No. 11 of 2026

1. Oinam Ibomcha Singh, aged about 74 years, S/O. (late) O. Ibotomba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008 (died on 04.06.2025) represented by legal heirs namely:-

(i) Thongam Ongbi Oinam Victoria Devi, aged about 46 years, W/O Thongam Khomdon Singh of Kha Naorem Leikai, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 003 and

(ii) Laishram Ongbi Oinam Sushila Devi, aged about 42 years, W/O.

Keisam Prakash Singh of Nambol Sabal Leikai, P.O. & P.S. Nambol, Bishnupur District, Manipur, Pin No. 795 134;

2. Oinam Ingobi Singh, aged about 52 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

3. Oinam Shyamchand Singh, aged about 51 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

4. Oinam Kiran Singh, aged about 49 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

5. Oinam Doren Singh, aged about 47 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

6. Oinam Hemanta Singh, aged about 37 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

7. Oinam Kanta Singh, aged about 36 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

8. Oinam Noyon Devi, aged about 76 years, D/O (late) O. Ibomtomba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

#### **... PETITIONERS -Versus-**

1. Oinam Ramesh Singh, aged about 64 years, S/O. (late) Ibochouba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008 (died on 23.12.2022) represented by legal heirs namely :-

(i) Oinam Ongbi Manglembi Devi, aged about 65 years, W/O. (late) Oinam Ramesh Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

(ii) Oinam Niranjana Singh, aged about 35 years, S/O. (late) Oinam Ramesh Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008 and

(iii) Oinam Gobinda Singh, aged about 33 years, S/O. (late) Oinam Ramesh Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

2. Oinam Iboyaima Singh, aged about 68 years, S/o. (late) Oinam Ibochouba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

#### **... RESPONDENTS With MC(CRP(CRP.Art.227)) No. 19 of 2026**

1. Oinam Ibomcha Singh, aged about 74 years, S/O. (late) O. Ibotomba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008 (died on 04.06.2025) represented by legal heirs namely:-

(i) Thongam Ongbi Oinam Victoria Devi, aged about 46 years, W/O Thongam Khomdon Singh of Kha Naorem Leikai, P.O. Canchipur & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 003 and

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Keisam Prakash Singh of Nambol Sabal Leikai, P.O. & P.S. Nambol, Bishnupur District, Manipur, Pin No. 795 134;

2. Oinam Ingobi Singh, aged about 52 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

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5. Oinam Doren Singh, aged about 47 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

6. Oinam Hemanta Singh, aged about 37 years, S/O. (late) Ibomcha Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008;

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8. Oinam Noyon Devi, aged about 76 years, D/O (late) O. Ibomtomba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

### **... APPLICANTS -Versus-**

1. Oinam Ramesh Singh, aged about 64 years, S/O. (late) Ibochouba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008 (died on 23.12.2022) represented by legal heirs namely :-

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(iii) Oinam Gobinda Singh, aged about 33 years, S/O. (late) Oinam Ramesh Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

2. Oinam Iboyaima Singh, aged about 68 years, S/o. (late) Oinam Ibochouba Singh of Khongnangpheidekpi, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795 008.

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

|                                      |                           |
|--------------------------------------|---------------------------|
| For revision petitioners/ applicants | Mr. Th. Mahira, Advocate. |
| Date of Judgment & Order             | 03.08.2026                |

### JUDGEMENT & 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.      | M.C.                                           | Miscellaneous Case                                                                                                                                            |
| 3.      | said entire land                               | land admeasuring 0.50 acres or thereabout in Revenue Village No. 59 - Oinam Thingel, Imphal West vide Patta No. 365 (old) 60(new) covered by C.S. Dag No. 618 |
| 4.      | plaint schedule land                           | land admeasuring 0.25 acres or thereabout being one half of southern portion of said entire land                                                              |
| 4.      | written statement schedule land                | northern portion of said entire land and 7 ft. wide COMMON LAMBI/PATHWAY                                                                                      |
| 5.      | Trial Court                                    | Court of Civil Judge (Junior Division), Imphal West-II                                                                                                        |
| 6.      | First Appellate Court                          | Court of Additional District and Sessions Judge (FTC), Manipur East                                                                                           |
| 7.      | CPC                                            | Code of Civil Procedure, 1908                                                                                                                                 |

**[2]** Short facts, shorn of elaboration and particulars not imperative for appreciating instant order are that the revision petitioners before this Court filed a plaint dated 07.01.2022 in Trial Court *inter alia* with a prayer for declaration

*qua* their half share in entire said land and also sought perpetual injunction against defendants *qua* possession besides assailing an order dated 05.12.2017 made by jurisdictional Deputy Commissioner (D.C.) in a revenue case (declaration that it is not binding) besides a declaration that an order made by the D.C. in a review case is null and void; that on service of suit summons, defendants entered appearance and filed a written statement dated 31.01.2022 together with a counter claim *qua* their half share of said entire land as also a 7 ft. wide COMMON LAMBI/PATHWAY; that it is to be noted that the defendants prayed that the 05.12.2017 order made by jurisdictional D.C. in revenue case and 01.04.2021 order made in review by the jurisdictional D.C. are valid, binding and not void; that on completion of pleadings in this manner, 8(eight) issues were framed by the Trial Court (to be noted, issues framed by the Trial Court will be scanned and reproduced infra elsewhere in this order); that along with the plaint, plaintiffs took out an injunction application dated 07.01.2022 and this was taken on file as Judl. Misc. Case No. 6 of 2022; that the defendants also took out an injunction application (to be noted, defendants had made a counter claim) and this was taken on file as Judl. Misc. Case No. 16 of 2022; that the Trial Court took up both the Judl. Misc. Cases (injunction applications) together and made a common order dated 04.10.2022 directing parties to maintain status quo; that thereafter, the defendants filed a review petition seeking a review of this order of status quo (to be noted, order of status quo is dated 04.10.2022); that the review petition was taken up by the Trial Court and the Trial Court in and vide an order dated 23.03.2022 noticing that the orders made by jurisdictional D.C. in revenue proceedings had been carried to Revenue Tribunal and the Revenue Tribunal has confirmed the order of the jurisdictional D.C. and that earlier status quo order was made inter-alia owing to pendency in Revenue Tribunal, reviewed the status quo order and granted injunction in favour of defendants as regards common Lambi/Pathway; that it is to be noted, in and vide this order dated 23.03.2022 in the review petition, Trial Court granted injunction only with regard to the COMMON LAMBI/PATHWAY; that the plaintiffs carried this 23.03.2022 order in appeal to the First Appellate Court by resorting to Order XLIII Rule 1(r) of CPC and after full contest, the First Appellate Court in and vide order dated 21.02.2026 (impugned order) confirmed the order of the Trial Court granting injunction with regard to COMMON LAMBI/PATHWAY alone; contending that they are aggrieved by impugned order, plaintiffs in trial Court have filed captioned CRP in this Court.

**[3]** In continuation of facts set out supra, a scanned reproduction of the 8 issues framed by the Trial Court is as follows:

*[An exhibit is reproduced here in the original judgment.]*

**[4]** It is seen from the case file and the submissions of Mr. Th. Mahira, learned counsel on record for revision petitioners that said entire land originally belonged to one Oinam Amu Singh, he died intestate and his 2(two) sons Oinam Ibotomba Singh and Oinam Ibochouba Singh inherited the said entire land in equal shares. It has also been pleaded that there was a partition between the heirs of 2(two)

brothers, southern portion of said entire land fell to the plaintiffs and obviously, the other portion fell to the defendants. This Court refrains from expressing any opinion or view on this partition as neither a partition deed has been placed before this Court nor has it been pleaded that it is a case of Hindu Family Arrangement (oral arrangement) which was subsequently recorded. All this would be a subject matter of trial. As regards the revenue cases, the prayers for declaration by plaintiffs and prayers for counter declaration by defendants, who are none other than first cousins of plaintiffs, are also subject matter of trial.

**[5]** In the above scenario, this Court is informed that as regards the revenue revision case in the Revenue Tribunal which confirmed the orders of the jurisdictional revenue D.C., the same has not been assailed further as of today.

**[6]** In the aforesaid backdrop, the Trial Court has granted an order of interim injunction with regard to COMMON LAMBI/PATHWAY alone after perusal of the revenue records and after perusal of the pleadings and this is obviously a prima facie view as the Trial Court was hearing an Order XXXIX Rules 1 & 2 application under CPC. The First Appellate Court adopted the approach that a First Appellate Court hearing an appeal against an order of injunction, does not sit as a Court of re-appreciation of facts unless it comes to light that the discretion exercised by Trial Court is arbitrary, capricious, perverse or based on misapplication of settled principles of law. In the considered view of this Court, there can be no two ways about this approach of the First Appellate Court in the light of settled principles as regards the First Appellate Court, testing (by exercising powers under Order XLIII Rule 1(r) of CPC) grant or refusal of discretionary relief of injunction by Trial Court under Order XXXIX Rules 1 & 2 of CPC.

**[7]** This Court also finds that the Trial Court as well as the First Appellate Court have carefully considered the 3(three) cardinal principles for grant of injunction viz., prima facie case, balance of convenience and irreparable legal injury. In any event, as already alluded to *supra* a very limited injunction pertaining to what has been described as 7 ft. wide COMMON LAMBI/PATHWAY has been granted. To be noted, description of pathway itself 'COMMON LAMBI/PATHWAY'. This by itself justifies the grant of injunction, more so, in the light of findings returned by the Trial Court and the First Appellate Court that the plaintiffs have not been able to demonstrate that this is the only access and that there is no other access for the plaint scheduled property. This Court is also informed that the said entire land is homestead land, superstructures have been put up and the same are in possession of respective parties who are first cousins and co-owners prior to pleaded partition about which there is allusion elsewhere *supra* in this order.

**[8]** Learned counsel for revision petitioners, adverting to issue No. 1 submitted that the question as to whether original area of 0.50 acres equivalent to 0.1925 hectares recorded in the revenue records has been correctly recorded, is to be tested by the Trial Court. This submission does not cut ice with this Court as the testing of whether said entire land was correctly recorded in the revenue record will hardly impact an injunction regarding what has been described as 7 ft. wide

COMMON LAMBI/PATHWAY even by the protagonists of the injunction application. To be noted, this Court is referring to the defendants as protagonists of the injunction application qua Judl. Misc. Case No. 16 of 2022.

**[9]** As would be evident from the issues framed by the Trial Court, it comes to light that Issue No. 3 pertains to the orders made by the revenue authorities.

**[10]** Reverting to the main case in the Trial Court, this Court finds that after completion of pleadings and framing of issues and filing of list of witnesses, the suit was first listed for examination of plaintiffs' side witnesses on 13.05.2026. Thereafter, the suit has been listed for examination of plaintiffs' side witnesses on two more dates viz., 18.06.2026 and 18.07.2026. It now stands over to 21.08.2026.

**[11]** This Court is of the considered view that the first cousins who have taken adversarial positions would do well to proceed with the trial expeditiously and invite a final judgment decree in the suit.

**[12]** Before concluding, as regards the captioned CRP, the same has been filed in this Court on 27.04.2026. Thereafter when it was first listed in the admission Board on 29.04.2026, Mr. Th. Mahira Singh, learned counsel on record for revision petitioners very fairly pointed out that a caveat petition has been filed and it has been served on him. This Court places on record its appreciation for this fair approach of Mr. Th. Mahira Singh. Thereafter, this Court directed the name of the caveator counsel to be printed but the caveator counsel has not chosen to come before this Court either in the physical Court or on the Video Conferencing (V.C.) platform on subsequent listings on 05.05.2026, 07.05.2026, 14.05.2026, 20.05.2026, 03.06.2026, 08.06.2026 and 18.06.2026. Today also, there is no representation for the caveator counsel either in the physical Court or on the V.C. platform. This approach of the caveator counsel is unacceptable. None appears for caveator on eight consecutive listings after filing caveat though the name of the learned counsel for caveator is shown in the cause-list and this clearly cannot be countenanced. However, this Court refrains from elaborating further on the same as the captioned matter does not cut ice and pass muster in the admission Board. In any event, a caveator need not be heard with regard to admission, only if the petitioner crosses the admission barrier and this Court examines the interim order plea the question of hearing caveator would arise. Therefore, the absence of caveator counsel is ignored but it is deemed appropriate to write that learned caveator counsel had certain duty to come before this Court when name is shown in cause-list.

**[13]** In the light of the narration, discussion, and dispositive reasoning set out supra, this Court is of the considered view that there is no error (much less error warranting interference of this Court in exercise of powers under Article 227 of the Constitution) in the impugned order of the First Appellate Court which has confirmed the order of the Trial Court.

**[14]** Before concluding and writing the operative portion of this order, this Court,

though obvious, deems it appropriate to write that the Trial Court shall now proceed with the main suit on its own merits and in accordance with law untrammelled by instant order as instant order has been made in a CRP under Article 227 of the Constitution arising out of an interlocutory order made in an injunction application taken out under Order XXXIX Rules 1 & 2. The dispositive reasoning is for the limited purpose of disposal of CRP and will neither impel nor impede both parties, when the main suit is heard out.

**[15]** Ergo, sequitur of narration, discussion and dispositive reasoning *supra* is, captioned CRP fails to pass muster in the admission Board and the same is dismissed. Consequently captioned MC thereat also perishes with the main CRP and the same is also dismissed. There shall be no order as to costs.

### **CHIEF JUSTICE**

LAIRENMAY Digitally signed UM by LAIRENMAYUM INDRAJEET Date: 2026.08.04 SINGH 18:56:06 +05'30'