

(2026) 08 MAN CK 1172
In the Manipur High Court
Case No : CRP(C.R.P. Art. 227) No. 16 of 2026

Smt. Nameirakpam Ongbi Manglembi Devi APPELLANT
Vs
Smt. Haomom Merina Devi RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Code of Civil Procedure, 1908 — Order XXXII, Rule 15 of Order XXXII, Section 75
The Rights of Persons With Disabilities Act, 2016
Constitution of India — Article 227

Citation : (2026) 08 MAN CK 1172

Hon'ble Judges : M. Sundar, C.J

Bench : Single Bench

Advocate : Mr. L.N. Ngamba, Advocate along with Mr. A. Phulchand Sharma, Advocate.

Final Decision : Dismissed

Judgement

[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.	CPC	Code of Civil Procedure, 1908 (5 of 1908)
2.	CRP	Civil Revision Petition
3.	MC	Miscellaneous Case
4.	Trial Court	The Court of Civil Judge (Senior Division), Imphal West
5.	impugned order	Order dated 02-03-2026 made by Trial Court in Judl. Misc. Case No. 427 of 2022 in Original (Money) Suit No. 68 of 2022

6.	said money suit	Original (Money) Suit No. 68 of 2022
7.	RPD Act	The Rights of Persons With Disabilities Act, 2016 (49 of 2016)

[2] Captioned CRP along with captioned MC thereat has been filed in this Court on 13-05-2026. Captioned CRP has been filed under Article 227 of the Constitution, assailing the impugned order. Captioned MC thereat has been filed with an interim prayer seeking interim stay of all further proceedings in the said money suit in the Trial Court, pending CRP. **[3]** The sole revision petitioner in the captioned CRP who is also the MC applicant is the wife of lone defendant in the said money suit in the Trial Court. The lone respondent in captioned CRP and captioned MC thereat is the sole plaintiff in the Trial Court. The said money suit in the Trial Court has been filed against spouse of revision petitioner one Nameirakpam Koireng Singh, as is evident from the title in the said money suit and averments in captioned CRP and MC thereat and said money suit is for recovery of a sum of Rs. 25,00,000/- together with interest.

[4] Revision petitioner filed Judl. Misc. Case No. 427 of 2022 in said money suit in the Trial Court with a prayer to appoint her as guardian for the sole defendant (her spouse) by resorting to Order XXXII of CPC. This Court is informed by learned counsel for CRP petitioner in the hearing today that it is Rule 15 of Order XXXII of CPC. This Judl. Misc. Case No. 427 of 2022 shall be referred to as '*guardian application*' for convenience. When this *guardian application* was pending, the revision petitioner took out another application being Judl. Misc. Case No. 450 of 2023 with a prayer for issuance of a commission *qua* health condition of her spouse i.e., sole defendant in the said money suit. This application being Judl. Misc. Case No. 450 of 2023 shall be referred to as '*commission application*' for convenience. This Court is informed that the *commission application* was filed under Section 75 of CPC. It is obviously under 75(a).

[5] While the *guardian application* was pending, Trial Court took up the *commission application* and dismissed it *vide* a short one sentence order dated 30-07-2024 saying that *commission application* has been filed by a person who is not a party to the suit. Assailing this 30-07-2024 order in the *commission application*, revision petitioner came to this Court by way of an earlier CRP being CRP(CRP Art. 227) No. 5 of 2025. This CRP along with the two MCs thereat was disposed of by this Court (after full contest), in and *vide* a judicial order dated 16-10-2025 and scanned reproduction of the same is as follows:—

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

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[6] Mr. L.N. Ngamba, learned counsel on record who is before this Court

(physical Court) along with Mr. A. Phulchand Sharma, who is also counsel on record, submits that the afore-referred 16-10-2025 order made by this Court in CRP(CRP Art. 227) No. 5 of 2025 has been given legal *quietus* i.e., it has attained finality. The same has not been assailed in the Hon'ble Supreme Court by either of the parties, is his say.

[7] Pursuant to the afore-referred order of this Article 227 Court, Trial Court took up the *guardian application* first (keeping the *commission application* pending) and has made the impugned order dismissing (after full contest) the *guardian application*. Contending that she is aggrieved, revision petitioner has come before this Court.

[8] Notwithstanding, myriad grounds raised in the memorandum of revision *qua* captioned CRP, Mr. L.N. Ngamba, learned counsel, predicates his campaign against the impugned order on one point and that one point is, the Trial Court should have taken up the *commission application* first and then decided the *guardian application*. This Court pointed out that this course would be contrary to the earlier direction which has been given at the instance of CRP petitioner and which has attained finality. Learned counsel for revision petitioner was unable to make any submission to the contrary in this regard.

[9] Be that as it may, this Court finds that in and *vide* the impugned order the Trial Court has proceeded on the basis that there is no *prima facie* material about unsoundness of mind of the sole defendant, on the contrary, only two laboratory reports — one dated 28-08-2019 and another date 30-08-2019 (to be noted, three years prior to the *guardian application* and obviously the *commission application*) and in any event these lab reports are merely those which give values *qua* serology, haematology and biochemistry. Obviously, there is no mention about unsoundness of mind. Order XXXII of CPC applies only to the case of minors and persons of unsound mind. It is to be noted that it is not anybody's case that the sole defendant is a person with disability under RPD Act, 2016. This Court, on a careful perusal of the case file, finds that in paragraph 2 of the *guardian application*, after an averment that the sole defendant had extremely high blood pressure which lead to a stroke on 28-08-2019, he was hospitalized and is now bed-ridden and thereafter mentioned in passing that owing to such ailment, he is of unsound mind. No report of psychiatrist or psychologist has been filed. Intriguingly, the *guardian application* has been filed after filing of the written statement by the defendant and in *guardian application vide* paragraph 5, there is a request to keep the written statement already filed in temporary suspension. Therefore, even on other aspects of the mater, on perusal of the case record and careful examination of the impugned order, this Court has no hesitation in coming to the conclusion that there is no infirmity in the impugned order, much less infirmity warranting interference in exercise of jurisdiction under Article 227.

[10] In the *interregnum*, there is an interesting and intriguing aspect of the matter. A careful perusal of the case file brings to light that the revision

petitioner has filed Judl. Misc. Case dated 18-03-2026 with a prayer for review of impugned order. The fate of this review petition is not known but this Court deems it appropriate to write that the Trial Court will decide the same (if not already decided) on its own merits and in accordance with law but bearing in mind instant order.

[11] As regards the *commission application*, as this Court is informed that the same is pending, the Trial Court shall now proceed with the *commission application* and decide the same on its own merits and in accordance with law untrammelled by observations in instant order, except to the limited extent that the Trial Court taking up the *guardian application* first and disposing of the same pursuant to the order of this Court dated 16-10-2025 in CRP(CRP Art. 227) No. 5 of 2025, as already alluded to *supra*, is procedurally correct and in accordance with the direction/s issued by this Court.

[12] Before concluding, this Court deems it appropriate to write that the matter pertains to a money suit which is more than four years old. It appears that a barrage of applications is being filed by the spouse of the defendant. Nonetheless, the application/s shall be decided on its own merits and in accordance with law, as already alluded to *supra*.

[13] The sole defendant has already filed written statement and completed pleadings. Therefore, it is open to the Trial Court to appoint a Commissioner for recording his deposition if it comes to the conclusion that he is bedridden or for any other reason and/or if his mobility is restricted. **[14]** Ergo, the sum sequitur of narrative, 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.

[15] There shall be no order as to costs.