

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL****CRP(C.R.P. Art. 227) No. 16 of 2026**

Smt. Nameirakpam Ongbi Manglembi Devi, aged about 52 years, w/o Nameirakpam Koireng Singh of Thinungei Awang Leikai, P.O. & P.S. Bishnupur, District Bishnupur, Manipur.

...Petitioner

- Versus -

Smt. Haomom Merina Devi, aged about 60 years, w/o Gurumayum Jayanta Sharma of Bishnupur Ward No. 3, at present Ghari Awang Leikai, P.O. Changangei, P.S. Lamphel, Imphal West District, Manipur.

...Respondent

With

MC(CRP(CRP Art. 227)) No. 29 of 2026

Smt. Nameirakpam Ongbi Manglembi Devi, aged about 52 years, w/o Nameirakpam Koireng Singh of Thinungei Awang Leikai, P.O. & P.S. Bishnupur, District – Bishnupur, Manipur.

...Applicant/Petitioner

- Versus -

Smt. Haomom Merina Devi, aged about 60 years, w/o Gurumayum Jayanta Sharma of Bishnupur Ward No. 3, at present Ghari Awang Leikai, P.O. Changangei, P.S. Lamphel, Imphal West District, Manipur.

...Opp. Party/Respondent

B E F O R E

HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

For revision petitioner	Mr. L.N. Ngamba, Advocate along with Mr. A. Phulchand Sharma, Advocate.
Date of Judgment & Order	04-08-2026

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.	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:—

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

CRP(CRP Art. 227) No. 5 of 2025

Nameirakpam Ongbi Manglembi Devi

Petitioner

Vs.

Haomom Merina Devi

Respondent

***Clubbed with MC(CRP(C.R.P. Art. 227)) 54 of 2025
With MC(CRP(C.R.P. Art. 227)) No. 75 of 2025***

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

ORDER

16.10.2025

[1] This common order will now dispose of the captioned 'civil revision petition' ('CRP' for the sake of brevity) and the captioned two 'miscellaneous cases' ('MCs' for the sake of brevity) thereat.

[2] Factual matrix in a nutshell is, that a suit in Original (Money) Suit No. 68 of 2022 was filed on the file of Civil Judge (Senior) Division, Imphal West, Manipur; that this Civil Suit/Money Suit shall be referred to as 'said suit' and the court in which it is pending shall be referred to as 'trial court' (both for the sake of convenience and clarity); that the said suit was filed by the sole respondent in captioned CRP i.e., Haomom Merina Devi and she shall from hereon and henceforth be referred to as 'plaintiff' based on her rank in the trial court for the sake of convenience and clarity; that in the said suit, one Nameirakpam Koireng Singh is the sole defendant and he shall be referred to

as 'defendant' based on his rank in the trial court for the sake of convenience and clarity; that in the said suit, recovery of Rs. 25,00,000/- (Rupees twenty-five lakhs) together with interest is the plea though the prayer talks about declaration for a sum of rupees twenty-five lakhs and decree for recovery of the same; that pending suit, sole defendant's wife, Smt. Nameirakpam Ongbi Manglembi Devi filed Judicial Misc. Case No. 427 of 2022 in the said suit in the trial court *inter-alia* invoking the provisions of Order XXXII of the 'Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) with a prayer to appoint her as guardian for the sole defendant who is her spouse and this was primarily on the ground that sole defendant is disabled, bedridden and has suffered a stroke; that this Judicial Misc. Case No. 427 of 2022 shall be referred to as 'guardian application' for the sake of convenience and clarity; that post guardian application, sole defendant's spouse, Smt. Nameirakpam Ongbi Manglembi Devi took out another application, namely, Judicial Misc. Case No. 450 of 2023 seeking commission appointment *qua* examination of ill health of her spouse/sole defendant; that the guardian application was dismissed for default on 16.05.2024 as the counsel did not appear; that thereafter, an application in Judl. Misc. Case No. 414 of 2024 had been filed on 28.05.2024 seeking restoration of the guardian application which was dismissed for default on 16.05.2024; that this restoration application namely, Judl. Misc. Case No. 450 of 2023 was allowed by the trial court on terms (cost of Rs. 500/-) on 03.04.2025; that in the interregnum, Judl. Misc. Case No. 450 of 2023 filed by Smt. Nameirakpam Ongbi Manglembi Devi (sole defendant's spouse) came to be dismissed by the trial court in and by an order dated 30.07.2024 by a simple

one line order saying that she is not a party to the suit; that this 30.07.2024 order shall be referred to as 'impugned order' as the same is assailed in the captioned CRP by Smt. Nameirakpam Ongbi Manglembi Devi; that, the sole plaintiff is the respondent in the captioned CRP and the sole plaintiff has been duly served; that the sole plaintiff has entered appearance through counsel; that the CRP is before this Court and the same is being heard out.

[3] Mr. Lourembam Nongthang Ngamba, learned counsel for Smt. Nameirakpam Ongbi Manglembi Devi for defendant and Mr. RK Macklin Singh, learned counsel for Haomom Merina Devi for plaintiff are before this Court, this Court with the consent of learned counsel on both sides, took up the main CRP, two MCs thereat and had the same heard out.

[4] The entire matter turns on a very short point and that short point is, while an application for restoration of the guardian application was pending, the impugned order came to be made by saying that the person seeking appointment as guardian is not a party to the suit. To be noted, in the factual matrix supra, undisputed obtaining position that the application for restoration of the guardian application in Judl. Misc. Case No. 414 of 2024 had been filed on 28.05.2024 and that the same was ultimately allowed on 03.04.2025 has been captured. This means that the restoration application was pending as on the date of the Impugned order namely, 30.07.2024. Therefore, the trial court ought to have decided the guardian application first and thereafter decided Judl. Misc. Case No. 450 of 2023 taken out by Smt. Nameirakpam Ongbi Manglembi Devi. On the contrary, the trial court has dismissed Judl. Misc. Case

No. 450 of 2023 on the simple point that Smt. Nameirakpam Ongbi Manglembi Devi is not a party to the suit while guardian application seeking her appointment as guardian for sole defendant was pending restoration. This means that the trial court ought to have decided the restoration of guardian application first (to be noted, guardian application has since been restored) and thereafter decided Judl. Misc. Case No. 450 of 2023, but as the same has not been done, this Court deems it appropriate to set aside the impugned order on this short point without expressing any view on the merits of the matter be it the main suit or the guardian application or for that matter in Judl. Misc. Case No. 450 of 2023.

[5] To be noted, as regards powers of superintendence of the High Court under Article 227, the same can be exercised even when a wrong procedure is adopted by the trial court. This is one such case.

[6] In the light of the narrative discussions and dispositive reasoning thus far, the following order is made :

- i) impugned order being order dated 30.07.2024 made in Judl. Misc. Case 450 of 2023 in Original (Money) Suit No. 68 of 2022 on the file of the court of Civil Judge (Senior) Division, Imphal West, Manipur is set aside;
- ii) the impugned order is set aside solely for the purpose of enabling the trial court to adopt the proper procedure and correct sequence and this means that this Court has not expressed any view or opinion on the merits of the matter

qua main suit, guardian application or Judl. Misc. Case No. 450 of 2023;

- iii) the trial court will now do well to take up the guardian application namely, Judl. Misc. Case No. 427 of 2022 (which has since been restored), hear both sides and pass an order on its own merits and in accordance with law;
- iv) After deciding guardian application in the aforesaid manner, the trial court shall take up Judl. Misc. Case No. 450 of 2023 and decide the same also on its own merits and in accordance with law taking into account the verdict returned by the trial court in guardian application in Judl. Misc. Case No. 427 of 2022;
- v) the trial court will do well to expedite the matter as it is a money suit of the year 2022.

[7] Captioned main CRP disposed of in the aforesaid manner, with the aforesaid observations and directions. Consequently, captioned two MCs thereat are also disposed of as closed. There shall be no order as to costs.”

[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.

CHIEF JUSTICE

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