

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

Tr.P.(C) No. 1 of 2025

Journey Chithung & anr.

Petitioner/s

Vrs.

Kaphungyui Asare & 3 ors.

Respondent/s

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

05.11.2025

Captioned transfer petition has been filed in this Court under Section 24 of the 'Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) seeking transfer of Civil Original (Declaration) Suit No. 4 of 2019 now pending on the file of learned Civil Judge (Sr. Division) Ukhrul, Ukhrul District, Manipur, to a competent Court in Imphal.

The aforementioned suit is one for declaration that the plaintiff is absolute owner of Zingshophai Village in Kamjong District, Manipur. There are also prayers for declaration that plaintiff is the Chairman/Headman of this village and a further direction prayer qua concerned officials/authorities to extend developmental schemes.

Defendants 4 & 5 in the afore-referred suit have come up with the captioned transfer petition. To be noted, lone plaintiff is the first respondent and official respondents 2 to 4 are defendants 1 to 3 in the Trial Court.

Today Mr. A. Sachikumar, learned counsel for transfer petitioners; Mr. Mark Khapai, learned counsel for respondent No. 1; and Mr. W. Niranjit, learned State counsel for respondent Nos. 2 to 4; are before this Court.

From here on and henceforth, the parties in the captioned transfer petition shall be referred to by their respective ranks in the suit in the Trial Court for the sake of convenience and clarity.

Learned counsel for D4 & D5 submits that D4 & D5 were earlier counsel in the matter and the circumstances are not enabling for continuing the aforesaid suit in Civil Judge(Sr. Division) Ukhul. To be noted, it is made clear that this has nothing to do with the learned Presiding Officer. There is no allegation or reservation about the Presiding Officer. The reason for the plea is predicated on other external attendant circumstances.

Learned counsel for plaintiff Mr. Mark Khapai, very fairly submitted that he consents for transfer.

As regards the State counsel namely Mr. W. Niranjit, learned counsel for D1 to D3 submits that State is only a proforma party and therefore, it would not take a stand one way or the other qua the transfer plea but it will remain bound by any order made by this Court.

In the light of the narrative thus far, owing to the fair stand taken by counsel for D4, D5 as well as counsel for plaintiff, the legal drill as at hand has become a simple exercise.

The afore-referred suit viz., Civil Original (Declaration) Suit No. 4 of 2019 now on the file of Civil Judge (Sr. Division) Ukhul, Ukhul District, Manipur,

will now stand transfer to the Court of Civil Judge (Sr. Division) Imphal West. Though obvious, it is made clear that the transferee Court shall now either retry or proceed from the point at which the suit stands today at the discretion of the transferee Court.

Let all the records be transferred from the transferor Court to the transferee Court forthwith.

Though obvious from the narrative supra, for the purpose of abundant specificity, it is made clear that this order in the instant transfer petition shall not be construed as any adverse opinion or view qua the learned Presiding Officer of the Transferor Court i.e., Learned Civil Judge (Sr. Division) Ukhrul, Ukhrul District Manipur.

Captioned transfer petition disposed of/ordered in the aforesaid manner.

There shall be no order as to costs.

CHIEF JUSTICE

Indrajeet