

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

**RSA No.10 of 2016**

H O Ibechaobi Devi & 12 ors.

**...Appellants**

**- Versus-**

H N Ranibala Devi & 5 Ors.

**...Respondents**

BEFORE  
**HON'BLE JUSTICE MR. JUSTICE A. GUNESHWAR SHARMA**  
**ORDER**

**18.04.2024.**

[1] Heard Mr. Th. Mahira, learned counsel on behalf of the appellants and Mr. B. Roshnikumar, learned counsel on behalf of the respondents.

[2] On perusal of memo of appeal and hearing the parties, the appeal is admitted on the following substantial questions of law.

*(a) Whether the order dated 12.01.2016(Annexure-A/6) passed in Execution Case No.04 of 2014 is a decree within the meaning of Order 21, Rule 103 of the Code of Civil Procedure, 1908.?*

*(b) Whether the order dated 12.01.2016 (Annexure-A/6) passed in Execution Case No.04 of 2014 is appealable or not?*

*(c) Whether the provisions of the Code of Civil Procedure, 1908 can supersede/take over the provisions of the Manipur Land Revenue and Land Reforms Act, 1960?*

*(d) Whether in the light of the provisions of Sections 51-B, 159 and 160 of the Manipur Land Revenue and Land Reforms Act, 1960, can the Hon'ble Court of District Judge, Imphal West forward the decree dated 28.11.2014 along with its judgment and order and all the necessary papers to the Deputy Commissioner, Imphal west or to the Director of Settlement and Land Records, Manipur for effective execution of the decree?*

*(e) Whether the Decree dated 24.11.2014 is a preliminary decree of partition within the meaning of Order 20 Rule 18 of the Code of Civil Procedure, 1908?*

*(f) Whether partition of the suit land should be done in accordance under the Judgment and Decree dated 30.03.1998 passed in Original Suit No.12 of 1996 or under the Judgment and decree dated 24.11.2014 passed in Original Suit No.14 of 2010/220 of 2013?*

*(g) Whether the Executing Court can forward letter of request for partition under Section 54 of the Code of Civil Procedure, 1908 to the Collector when there is no specific direction made in the Judgement and decree directing the Collector to effect partition?*

*(h) Whether the original Suit No.14 of 2010/220 of 2013 was a partition suit or a suit for declaration and eviction.*

[3] Registry is directed to prepare book and list this case on 28.5.2024.

**JUDGE**

*John Kom*