

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

**MC (RSA) No. 8 of 2024 With
RSA No. 3 of 2023**

Heikrujam Budhichandra Singh; & 4 Ors.

Applicants

Vs.

Heikrujam Koklei Singh represent by his 4 LRs & 8 Ors.

Respondents

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

04.04.2026

[1] Heard Mr. H. Dijen, learned counsel appearing for the appellants and Mr. M. Rarry, learned senior counsel assisted by Ms. M. Nikita, learned counsel appearing for the principal respondent No. 1 represented by LRs (i)-(iv).

None appeared for the respondents No. 2-9, despite service of notice. As against respondents No. 2-9 except respondent No. 8 (v), the present appeal has been proceeded ex-parte against them, vide order dated 01.02.2024.

[2] The matter has been taken up today to consider the objection raised by the learned senior counsel on behalf of principal respondent No. 1 represented by LRs (i)-(iv) that there is no substantial question of law involved in the present appeal and for dismissing the present second appeal as not maintainable.

[3] I have heard at length the rival arguments advanced by both the counsel appearing for the parties and also carefully examined all the relevant materials including case laws cited by the learned counsel appearing for the parties.

[4] The facts in a nutshell which culminates in filing of the present appeal are that the principal respondent No. 1 filed a suit registered as Original Suit No. 55 of 2013/681 of 2013 in the Court of Civil Judge (Senior Division), Imphal East (herein after referred to as 'Trial Court' for short) claiming for granting the following reliefs:-

“(i) A decree of declaration that the suit land is the joint and unpertitioned property of 3 (three) successors i.e. sons and daughter of the deceased Nanou Singh.

“(ii) A decree for declaration that the plaintiff is entitled to one third of the suit land.

“(iii) A decree for declaration that Mutation case No. 328/SDC/IW(S) Mayang Imphal of 1985 is null and void.

“(iv) Any other relief or reliefs which this Hon'ble Court deems fit and proper for the ends of justice.

“(v) To award the costs of this suit.”

[5] The Trial Court framed 7 (seven) issues which are as under:-

- "I. Whether the plaintiff is entitled to one third share of the intestate property left by their father, deceased pattadar. Heikrujam Nanou Singh which is the suit land under Patta No. 105(Old)/429(New) covered by C.S. Dag No. 2316 measuring an (area) about 0.56 acre of Village No. 74-Uchiwa, I.W.T., which is also described in the Schedule or not?
- "II. Whether the mutation order of the SDC/IW(S) dated 27.12.1988 recording the name of the father of the principal defendants in Mutation Case No. 328/SDC/IW (S) of 1985 is null and void or not?
- "III. Whether the suit is barred by Section 159 of the MLR & LR Act, 1960 or not?
- "IV. Is there any cause of action for the plaintiff to file the suit or not?
- "V. Whether the suit is barred by Article 58 of the Indian Limitation Act or not?
- "VI. Whether the suit is properly valued or not?

“VII. Whether the plaintiff is entitled to the reliefs claimed or not?”

[6] By a judgment dated 20.07.2018, the Trial Court disposed of the said Original Suit. In the said judgment, the Trial Court held all the issues except issue No. V in favour of the plaintiff. However, the Trial Court dismissed the suit on the ground that the suit was barred by Article 58 of the Limitation Act, 1963.

[7] Against the said judgment, the plaintiff filed an appeal registered as Regular First Appeal No. 5 of 2018. It is to be noted here that at the time of consideration of the issue as to whether the suit was barred by Article 58 of the Limitation Act or not, the Trial Court considered the question as to whether the benefit as prescribed under section 14 of the Limitation Act will be given while computing the period of limitation. For deciding the said question, the Trial Court referred to the principles laid down by the Hon'ble Apex Court in the case of ***"Mohinder Singh vs. Paramjit Singh"*** reported in ***(2018) 5 SCC 698*** .

[8] After applying the principles laid down in the "Mohinder Singh" case (Supra) and after considering the facts and circumstances of the case, the Trial Court held that the benefit as provided under section 14 of the Limitation Act while computing the period of

limitation cannot be given in the favour of the plaintiff. On the basis of such conclusion, the Trial Court rejected the suit as barred by Article 58 of the Limitation Act.

[9] The plaintiff, who is the principal respondent No. 1 herein (represented by his LRs) preferred an appeal registered as Regular First Appeal No. 5 of 2018 in the Court of District Judge, Imphal West, (herein after referred to as 'Appellate Court' for short) against the judgment and decree passed by the learned Trial Court. The said first appeal was disposed of by the Appellate Court by passing a judgment and order dated 25.01.2023, which is impugned in the present second appeal. In the said judgment and order passed by the Appellate Court, the only question that was considered and decided is about the limitation, more specifically as to whether the suit was barred by Article 58 of the Limitation Act or not.

[10] The First Appellate Court after considering the subsequent facts which has been brought on record by the principal respondent No. 1 held that the benefit as provided under section 14 of the Limitation Act should be given in favour of the principal respondent No. 1 (plaintiff) in computing the period of limitation in filing the Original Suit and held that the said Original Suit was filed within time.

The First Appellate Court further held that since the suit has been filed in respect of an immovable property, Article 65 of the Limitation Act will be applicable and on that ground also the First Appellate Court held that the Suit was filed within time. Accordingly, the suit filed by the principal respondent No. 1 was allowed and thereafter the Appellate Court also held that the principal respondent No. 1 (plaintiff) is entitled to one-third share of the unpartitioned suit land.

[11] Challenging the judgment and decree passed by the Appellate Court, the present second appeal has been preferred by the present appellants (who was defendant No. 1 in the Original Suit). It is on record that the only issue in dispute is with regard to the interpretation as to whether the benefit as provided under section 14 of the Limitation Act should be given while computing the period of limitation in filing the said Original Suit.

It is also on record that the Trial Court by applying the principles laid down in "Mohinder Singh" case (Supra) held that the benefit of section 14 of the Limitation Act will not be attracted while computing the period of limitation in filing the Original Suit.

On the other hand, the Appellate Court by also relying on the principles laid down in the "Mohinder Singh" case (Supra) held that

the benefit as provided under section 14 of the Limitation Act will be applicable while computing the period of limitation in filing the suit.

[12] In view of the factual matrix narrated herein above, it can be clearly seen that there is a conflict of decision as to the interpretation of the applicability of section 14 of the limitation Act while computing the period of limitation for filing the Original suit by applying the principles laid down in "Mohinder Singh" case (Supra).

[13] This Court is of the considered view that any decision rendered with regard to the said issue will have an impact on rights of either of the parties. This Court is also of the view that whether the Trial Court or the Appellate Court have rightly applied the principles laid down in the "Mohinder Singh" case (Supra) in the facts and circumstances of the present case also needs to be considered. Accordingly, this Court is satisfied that the following substantial question of law arises for consideration:-

- (i) Whether the Appellate Court erred in law in holding that the benefits as provided under section 14 of the limitation Act will be attracted or applicable in favour of the Principal Respondent No. 1 (plaintiff) while computing the period of limitation in filing the Original Suit or not?

(ii) Whether the Appellate Court erred in law in holding that the provision of Article 65 of the limitation Act will be applicable in computing the period of limitation in filing the original suit or not?

[14] Appeal is admitted for hearing.

[15] As prayed for by the counsel appearing for the parties, list these cases again on 15.04.2026 for consideration of the prayer for passing interim order.

JUDGE

Sapana