

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

RSA No.6 of 2023

L. Wungnaoshang & 2 Ors.

...Appellants

- Versus-

K. Luingam & Anr.

...Respondents

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

16.04.2024.

[1] Heard Mr. Mathuk Thumra, learned counsel appearing on behalf of the appellants and Mr. Th. Henba, learned counsel appearing on behalf of the respondents.

[2] Perused the impugned order and grounds memo of appeal and substantive question proposed at para 8 of the memo of appeal. After considering the memo of appeal, the appeal is admitted on the following substantial questions of law:

(i) Whether the Water Ordeal is the only means to settle the dispute as per Thangkhul Naga tribes in Manipur or not?

(ii) If so, whether the Water Ordeal is confined to certain dispute related to water bodies such as lakes, Rivers, ponds extra but not a custom to settle the land disputes?

(iii) Whether the conduct of Water Ordeal under the duress by NSCN(IM) was in violation of Section 57(d) of Manipur State Hill Peoples(Administrative) Regulation 1947 or not?

(iv) Whether the Water Ordeal to be conducted before the Criminal or Civil court or not?

(v) Whether the Court below wrongly relied on the decision in OS No.1971/51/10 of 1972 Shinangai Tangkhul & Anr. – Vs- Yoman Jajo Thangkhul & Ors. Decided on 17.05.1973 by the Courts of Second Subordinate Judge, Manipur or not?

(vi) Whether the Courts below have failed to appreciate adduced by the plaintiff about the active possession of the disputed land at Schedule-B or not?

(vii) Whether the Court bellows have disregarded the admissions of the Defendants that the western side of the suit land in Schedule-B belongs to plaintiff or not?

[3] M. Th. Henba, learned counsel appearing on behalf of the respondents prays that he may be permitted to raise objection to the substantial questions of law formulated under sub-section(5) of section 100 CPC during the course of hearing. Oral prayer is allowed.

[4] As per Registry note dated 15.04.2024 some time will be required to complete the paper book.

[5] List on 21.05.2024.

JUDGE

John Kom