

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

MC(El.Pet.) No. 111 of 2022

With

EL.PET. No. 10 of 2022

With

EL.RECR.PET. No. 21 of 2022

With

MC(EL.PET.) No. 88 of 2022

With

MC(EL.PET.) No. 89 of 2022

With

REV.PET(J2) No. 1 of 2022

With

REV.PET(J2) No. 2 of 2022

Khongbantabam Ibomcha Singh

Petitioner/s

Vrs.

Kshetrimayum Biren Singh & 3 ors.

Respondent/s

BEFORE

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

20.03.2026

Read this in conjunction with and in continuation of the earlier proceedings made in the listing on 03.11.2025 which reads as follows:

'03.11.2025

Read this in conjunction with and in continuation of the earlier proceedings made in previous listing dated 29.10.2025 which reads as follows as:

"Matter mentioned at 2:00 pm

Mr. Ajoy Pebam, learned counsel for respondent No. 1 (returned candidate), requests for an adjournment citing counsel inconvenience.

Mr. T. Rajendra, learned senior counsel instructed by Mr. Sh. Bikash Sharma, learned counsel for election petitioner is before this Court. Both sides agree that MC (EL. PET.) No. 111 of 2022, which is a petition taken out by respondent No. 1 with rejection of plaint plea will be heard out in the next listing which will be on Monday. List on 03.11.2025."

2. Today the captioned matter is listed under the cause title caption 'SERVICE NOT COMPLETED' however, learned counsel for petitioner draws the attention of this court to judicial order dated 27.05.2022 made by Hon'ble processor judge which reads as follows:

"[1] Heard Mr. T. Rajendra, learned counsel for the petitioner.

[2] Mr. Suraj, learned Jr. counsel to Mr. Ajoy Pebam, learned counsel represented by that he is going to appear for respondent No.1 and he is also going to file Vakalatnama today.

[3] It is reported that notice has already served to respondent Nos.2 to 4 but none appeared before this Court today.

[4] Registry is directed to print the name of respondent Nos. 2 to 4 in the cause-list.

[5] Therefore, post this matter on 15.06.2022."

3. Paragraph Nos. 3 and 4 of the afore referred 27.05.2022 judicial order is most relevant. This means that Registry ought not have listed the captioned matter under the cause list caption 'SERVICE NOT COMPLETED'.

4. Let these matters be listed under appropriate caption showing the name of respondent Nos. 2 to 4 or their counsel if they have entered appearance through counsel.

5. List on 12.11.2025.'

2. In the hearing today, Mr. T. Rajendra, learned senior counsel instructed by Mr. Th. Henba, learned counsel on record for election

petitioner and Mr. Ajoy Pebam, learned counsel on record for R-1(returned candidate) are before this Court.

3. There is no representation for R-2, R-3 and R-4 today also though they have been duly served. In the light of earlier proceedings, more particularly, proceedings dated 03.11.2025 (extracted and reproduced supra) R-2, R-3 and R-4 are set ex-parte.

4. To be noted, 'R-1', 'R-2', 'R-3' and 'R-4' denote 'first respondent', 'second respondent', 'third respondent' and 'fourth respondent' respectively.

5. As regards M.C(El. Petn.) No.111 of 2022 which has been taken out by the returned candidate, Mr. Ajoy Pebam is ready to advance arguments but Mr. Th. Henba, learned counsel for election petitioner requests for a short accommodation stating that an unreported judgment of Hon'ble Supreme Court and a Press note which learned counsel for returned candidate intends to rely on has been furnished to him only today. This Court pointed out that election petitions have to go on a day-to-day basis and learned counsel on both sides submitted that they will take more care in this regard in days to come.

6. In M.C(El. Petn.) No.111 of 2022, the caption says it has been filed under two provisions namely Order VII Rule 11(a) of 'the Code of Civil Procedure, 1908' ('CPC' for the sake of brevity) and Section 86(1) of 'the Representative of the People Act, 1951' ('RP Act' for the sake of brevity). In the prayer in M.C(El. Petn.) No.111 of 2022, there is reference to three

provisions namely Order VII rule 11(a) of CPC, Order VI Rule 16 of CPC and Section 86(1) of RP Act.

7. Mr. Ajoy Pebam, learned counsel for returned candidate very fairly submitted that he is invoking only one provision namely Order VII Rule 11(a) CPC. This submission is recorded. To put it differently, learned counsel on record for returned candidate submits that he is not invoking section 86(1) of RP Act and Order VI Rule 16 of CPC. As regards captioned M.C(El.Petn.) No.111 of 2022 is concerned, this also means the captioned M.C(El. Petn.) No.111 of 2022 will now be tested only as an application Under order VII Rule 11(a).

8. Adjourned at the request of learned counsel for election petitioner.

9. List on 25.03.2026.

CHIEF JUSTICE

Ab. Surjit