

Sl. No. 1-2

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

**Tr.P.(C) No.4 of 2025
With
MC(Tr.P.(C) No.1 of 2025**

Nguljalal Kipgen

Petitioner/s

Vs.

Lhingneikim Kipgen

Respondent/s

BEFORE
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR

(ORDER)

03.11.2025.

A suit being Original suit No.1 of 2025 on the file of the Court of Civil Judge (Senior Division), Senapati at Kangpokpi is the nucleus of the captioned matter. 'This suit' and 'this Court' shall hereinafter be referred to as the 'said suit' and 'said Court' respectively (for the sake of convenience and clarity).

2. Plaintiff in the said suit is the transfer petitioner before this Court in the captioned main transfer petition and captioned Misc.case therein.

3. Mr. L. Sevananda, learned counsel for transfer petitioner is before this Court.

4. Short facts are that the said suit was filed in the said Court with prayers for injunctions and the said suit was filed against the sole respondent before this Court arraying the sole respondent before this Court as sole defendant in said suit in said Court. Plaintiff took out an interlocutory application in said suit seeking an interim order, plaintiff was unsuccessful and therefore, plaintiff carried the matter to the Appellate Court inter-alia under Order XLIII Rule 1(r) of the 'Code of Civil Procedure, 1908' ('CPC' for the sake of brevity). To be noted, the Appellate Court is the Court of District Judge at Senapati, Manipur. This Court shall be referred to as 'First Appellate Court' for convenience. The First Appellate Court in and by an order dated 11.09.2025 granted an order of Status-Quo.

5. Thereafter on 06.10.2025, when the matter was listed before the First Appellate Court, First Appellate Court made an order inter-alia stating that after passing of 11.09.2025 order of Status-Quo certain undesirable activities have been resorted to by the litigant and therefore it would not be desirable for the First Appellate Court to hear the matter.

6. It is in the above circumstances that captioned transfer petition has been filed with a prayer to transfer the said suit from the said Court.

7. As would be evident from the narrative thus far, the entire episode pertains only to the First Appellate Court namely the Court of District Judge at Senapati, Manipur but in the captioned transfer petition, transfer petitioner has sought transfer of said suit (O.S. No.1 of 2025) from the file of said Court (Court of Civil Judge, Senior Division, Senapati at Kangpokpi, Manipur).

8. Mr. L. Sevananda, learned counsel for petitioner submitted that the captioned transfer petition has become necessary owing to the undesirable scenario that unfurled in the First Appellate Court. There is no material before this Court to demonstrate that any undesirable scenario as unfurled in the said Court i.e., Trial Court. Therefore, the submission that the suit should be transferred from the said Court i.e., Trial Court owing to an undesirable event in the first Appellate Court is unacceptable as there is clear leap in the logic.

9. However, this Court deems appropriate to preserve the rights of the transfer petitioner to take out a suitable application seeking transfer of Appeal from first Appellate Court, if so desired and if so advised. If such a transfer application is taken out, the same will be considered on its own merits and in accordance with law but the captioned transfer petition seeking transfer from the Trial Court i.e., said Court does not cut ice with this Court.

10. Ergo, the sequitur is, captioned transfer petition and transfer misc.case are dismissed albeit with preservation of rights and contentions of the transfer petitioner in the aforesaid manner and with the aforementioned observations. There shall be no order as to costs.

CHIEF JUSTICE

Ab. Surjit