

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

WA No. 22 of 2019

IOC Ltd.

Appellant

Vs.

Smt. Kiran Wahengbam and 2 others

Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

ORDER

(Order of the court was made by M. Sundar, CJ)

23.01.2026

[1] Read this proceedings in conjunction with and in continuation of separate order made today (23.01.2026) in MC(WA) No. 117 of 2025 which reads as follows :

'23.01.2026

[1] Read this in conjunction with and in continuation of earlier proceedings made in the previous listing yesterday (22.01.2026) which reads as follows :

'22.01.2026

[1] When the matter was taken up, Mr. L. Shashibhushan, learned senior counsel instructed by Ms. Kh. Medha, learned counsel on record for appellant [Indian Oil Corporation (IOC)], Mr. M. Hemchandra, learned senior counsel {on Video Conferencing (VC) platform} instructed by Mr. M. Rendy, learned counsel for 1st respondent (R-1), and Mr. N.

Ibotombi, learned senior counsel instructed by Mr. Leo N., learned counsel on record for 2nd respondent (R-2) are before us. To be noted, 3rd respondent (R-3) has been duly served and R-3 has not chosen to either enter appearance through counsel or come before this Court.

[2] As regards mediation, though there is a mediation report/settlement agreement, before this Court, R-2 has taken out a misc. case in MC (W.A.) No. 117 of 2025 *inter alia* contending that R-2 is not a signatory.

[3] Whether R-2 was given adequate opportunity in mediation or not is not of a great relevance as R-2 is not a signatory to the settlement agreement. This means that the captioned matter has to be heard out on merits.

[4] All the senior counsel and their respective instructing counsel agreed to have the matter heard out on merits considering that the writ appeal is of the year 2019.

[5] However, Ms. Kh. Medha, learned counsel on record for IOC sought for a short accommodation to get instructions on whether IOC wants to pursue the appeal or not.

[6] If IOC decides to not to pursue the appeal, that would be the end of road. If IOC is pursuing the appeal, the writ appeal will be heard out on merits.

[7] List on 23.01.2026.'

[2] In the hearing today, Mr. L. Shashibhushan, learned senior advocate appearing on behalf of/instructed by Md. Fakharuddin, learned counsel on record for appellant IOC, Mr. M. Hemchandra, learned senior advocate instructed by Md. Ashif Shah, learned counsel on record for R1 (writ petitioner) and Mr. N. Ibotombi, learned senior advocate instructed by Mr. Leo N., learned counsel on record for R2 (R2 in writ petition also) are before this Court.

[3] At the outset, advertent to afore-referred earlier proceedings dated 22.01.2026, learned senior counsel for IOC, on instructions, submits that the instructions for counsel on record for appellant is to pursue the appeal. To put it differently, this means that appellant IOC is not withdrawing the captioned writ appeal.

[4] The above position takes this Court to the matter being heard out on merits. At this juncture, all the afore-referred senior counsel instructed by their respective counsel on record submit in unison in one voice (on instructions from their respective clients) that the parties are agreeable for denovo mediation.

[5] Before we consider the denovo mediation, it is necessary to record the obtaining position that as regards R3, he has been duly served on 21.02.2023 and proof of service has been filed by learned counsel on record for appellant vide proof of service dated 06.07.2023. This Court is informed that R3 has chosen to neither come in person nor enter appearance through a counsel. There have been multiple listings thereafter and

R3 has not chosen to represent the matter in any of the hearings. In this view of the matter, considering this trajectory, we deem it appropriate to write that R3 is set ex-parte.

[6] Reverting to the request for denovo mediation, captioned MC(WA) No. 117 of 2025 is not pressed. Mr. Leo N., learned counsel on record for the MC petitioner has made an endorsement in the case file and scanned reproduction of the endorsement reads as follows :

Noting by office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with Signature
1.	2.	3.	4.
I, Leo N. Adu, on behalf of the applicant endorse to withdraw the Misc application.	117 2025	10 11 2025	Presented before the Joint Registrar (Judl. & Bench) on 10/11/2025 at 1:30 p.m. The Registrar (Judl.) High Court of Manipur Imphal (Manipur)

[7] In the light of the afore-referred endorsement, captioned MC(WA) No. 117 of 2025 is disposed of as withdrawn/closed without expressing any opinion or view one way or the other. There shall be no order as to costs.

[8] As captioned MC has been given a closure and as all the parties before the Court are of the considered view that elements of settlement exist and request for denovo mediation, this Court accedes to the

request and refers to the matter to mediation by the High Court Mediation Centre under the aegis of Manipur High Court.

[9] By consent of all the parties, 12.02.2026, Thursday 02:00 PM, is fixed as the date and time for the first sitting. The venue will obviously be High Court Mediation Centre, High Court of Manipur. All the counsel submit that their respective parties (particularly R2) will be present before the Mediation Centre on the said date and time without insisting on separate notice of hearing. This submission is recorded. As regards appellant IOC, learned counsel on record for IOC submits that an officer with requisite mandate who can take a decision in the mediation itself will be present with the written authority in this regard.

[10] We requisition a report from the High Court Mediation Centre in 6 (six) weeks from the date of first sitting i.e., by 26.03.2026.

[11] List the matter under cause list caption 'FOR MEDIATION REPORT' on 27.03.2026.'

[2] List the matter under cause list caption 'FOR MEDIATION REPORT' on 27.03.2026.

Sushil

JUDGE

CHIEF JUSTICE
