

COMPLAINT CASE NO. 3 OF 2020

25.10.2021

1. Heard Mr. Khuo Taishya, learned counsel junior to Mr. L. Sevananda Sharma, learned counsel for the Complainant. He prays for adjournment of this case on the ground that his senior counsel is now indisposed.

2. We have given our anxious consideration to the provision for adjournment as provided in Code of Civil Procedure, 1908. While proceeding with the hearing of the present case, we keep in view of the provisions provided under Code of Civil Procedure inasmuch as Section 27 of the Manipur Lokayukta Act, 2014 speaks about our power regarding summoning and enforcing the attendance of any person and examining him on oath and thus we have all the powers of a Civil Court. For easy reference Section 27 (1) of the Manipur Lokayukta Act, 2014 is quoted hereunder :

“S.27 (1) Subject to the provisions of this section, for the purpose of any preliminary Inquiry, the Inquiry Wing of the Lokayukta shall have all the powers of a civil court, under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely :-

- (i) summoning and enforcing the attendance of any person and examining him on oath;**
- (ii) requiring the discovery and production of any document;**
- (iii) receiving evidence on affidavits;**
- (iv) requisitioning any public record or copy thereof from any court or office;**
- (v) issuing commissions for the examination of witnesses or documents:**

Provided that such commission, in case of a witness, shall be issued only where the witness, in the opinion of the Lokayukta, is not in a position to attend the proceeding before the Lokayukta; and

- (vi) such other matters as may be prescribed.”**

3. Order XVII Rule (2) provides that in every such case the Court shall fix a day for the further hearing of the suit, and shall make such orders as to costs occasioned by the adjournment or such higher costs as the Court deems fit.

4. Keeping in view of the provisions discussed above, we have no alternative except to grant the prayer for adjournment subject to payment of Rs. 5000/- (Rupees five thousand) only as cost to the learned counsel appearing for the respondents. The cost of Rs. 5000/- shall be paid to the respondents on or before the next date of hearing.

5. Hearing of the present case is adjourned to **29/10/2021**.

Sd/-
MEMBER

Sd/-
CHAIRPERSON