

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

MAT. APP. No. 7 of 2026

Thokchom Manglembi Devi, aged about 48 years, D/o (L) Thokchom Dhananjoy Singh, a resident of Keishampat Leimajam Leikai, PO & PS Imphal, Imphal West District, Manipur, Pin No. 795001

... Appellant

- Versus -

1. Thokchom (N) Phamdom (O) Nungshitonbi Devi, aged about 46 years, D/o (L) Thokchom Dhananjoy Singh and W/O. Phamdom Chandramani Singh, a resident of Ghari Awang Leikai, PO Tulihal & PS Lamphel, Imphal West District, Manipur Pin No.795140..

2. Thokchom (N) Wahengbam (O) Sanahanbi Devi, aged about 41 years, D/o (L) Thokchom Dhananjoy Singh & W/O Wahengbam Nanaomacha Singh, Wahengbam Leikai, PO & PS Imphal, Imphal West District, Manipur Pin No.795001.

3. Thokchom (O) Sabitri Devi, aged about 57 years, w/o late Thokchom Priyokumar Singh, a resident of Keishampat Leimajam Leikai, PO & PS Imphal, Imphal West District, Manipur –Pin No.795001.

... Respondents

B E F O R E

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

For the appellant : Mr. M. Nicky Singh, Advocate

For the respondents : Ms. L. Sillori, Advocate.

Date of hearing & order : **06.05.2026**

O R D E R

[M. Sundar, CJ]

[1] A very interesting scenario has unfurled in the captioned matter. Learned counsel for sole appellant seeks leave of this Court to withdraw the captioned appeal with preservation of rights to file a suit afresh. The reason is, Mr. M. Nicky Singh, learned counsel on record for sole appellant and Ms. L. Sillori, learned counsel on record for all the respondents submit in one voice, that captioned matter is directly and squarely covered by an order dated 19.02.2026 made in MAT. APP. No. 6 of 2026 by this Court and reproduction of this order is as follows:

'19. 02.2026

[1] After some arguments, Mr. TH. Kunjaraj Singh, learned counsel on record for the sole appellant sought leave of this Court to withdraw captioned appeal but made a plea to preserve all the rights and contentions of the sole appellant to file another suit in the jurisdictional Family Court seeking declaration qua State and other Governmental authorities who may be necessary for appellant to get Family Pension vide office memorandum dated 17.05.2011 made by Government of Manipur Secretariat: Finance Department (Pay Implementation Cell) read with a corrigendum dated 27.06.2011.

[2] A scanned reproduction of the endorsement made by learned counsel on record for sole appellant in the case file is as follows:

Withdrawal
with liberty
Th. Kungrey Singh
19.02.2026

[3] Though it is a case of withdrawal, we deem it appropriate to write that withdrawal became necessary inter-alia owing to Section 35 of the Specific Relief Act, 1963 ('sad Act') which makes it clear that a declaration qua Chapter VI of said Act (captioned 'Declaratory Decree') is binding only on the parties to the suit. In the case on hand, State/Governmental authorities concerned are not party/parties to the suit. To be noted, there is no dispute that the sole appellant filed the suit being Matrimonial(Declaration) Suit No. 7 of 2025 CNR: MNIW05-000312-2025 on the file of the Family Court Manipur at Lamphelpat Imphal solely for the purpose of claiming family pension qua her late father, Mr. Huidrom Gyanesor Singh who was a Government employee/Government servant and who was working as Superintendent under the Deputy Director of Industries, Department of Industries, Government of Manipur, retired from service on 30.06.2010 and died 01.05.2023.

[4] If the sole appellant files a suit seeking declaration regarding afore-referred subject matter arraying State/instrumentalities of State/Government authorities concerned qua family pension vide afore-referred office memorandum and corrigendum thereat, the same shall be entertained by the jurisdictional Family Court and for this purpose, we make it clear that such a suit, if filed will not be hit by res-judicata vide section 11 of the Code Civil Procedure 1908 (CPC) as it would not be 'suit between the same parties'. However, the suit will be

examined/tried on its own merits and in accordance with law untrammelled by withdrawal of captioned appeal.

[5] In the light of the narrative thus far and in the light of endorsement made by learned counsel on record for sole appellant, captioned appeal is disposed of as closed/withdrawn albeit with preservation of rights and contentions in the aforesaid manner and observations as above.

[6] There shall be no order as to costs.'

Afore-referred learned counsel on both sides submit that a similar order may please be made in instant case. In this regard, Mr. M. Nicky Singh, learned counsel for appellant has made an endorsement in the case file and scanned reproduction of the same is as follows:

| Noting by office or Advocate | Serial No. | Date |
|--|------------|----------|
| 1. | 2. | 3. |
| I may be permitted to withdraw with liberty to file afresh. M. Nicky Singh 06-05-2026 (MUTUM NICKY SINGH) | | 11/03/26 |

[2] In the light of the narrative thus far, captioned statutory appeal under Section 19 of 'Family Courts Act, 1984 (66 of 1984)' is disposed of as withdrawn / closed albeit with preservation of rights and contentions in the manner set out in afore-referred 19.02.2026 order more particularly Paragraph No. 4 thereat. For the sake of specificity, this Court deems it appropriate to clarify that if the appellant files a suit afresh, the same shall be entertained by the jurisdictional matrimonial Court by strictly adhering order dated 19.02.2026, more particularly paragraph 4 thereat in MAT. APP. No. 6 of 2026 and dispose of the fresh suit on its own merits and in accordance with law.

[3] If the appellant files a fresh suit, the jurisdictional Family court shall consider the same on its own merits and in accordance with law.

[4] Captioned appeal is disposed as closed/withdrawn albeit with preservation of rights and observations as above. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

John Kom