

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

MAT. APP. No. 9 of 2026

Km. Rajkumari Bhanishana Devi, aged about 50 years, daughter of (Late) RK Chourajit Singh and (Late) RK Shyamasakhi Devi, a resident of Keishampat Leimajam Leikai, P.O. & P.S –Imphal, Imphal West District, Manipur

... Appellant

- Versus -

1. R.K. (N) Thokchom Binde Devi, aged about 49 years, (Late) R.K. Chourajit Singh and (Late) R.K. Shyamashakhi Devi and wife of Th. Premkumar Singh, resident of Sagolband Nepra Menjor Mamang Leikai, PO & PS-Imphal, District-Imphal West, Manipur.
2. Rajkumar Singhajit Singh, aged about 44 years, son of (Late) R.K. Chourajit Singh and (Late) R.K. Shyamashakhi Devi, resident of Keishampat Leimajam Leikai, PO & PS- Imphal, Imphal West District, Manipur.
3. R.K. (N) Thounaojam Nomita Devi, aged about 42 years, (Late) R.K. Chourajit Singh and (Late) R.K. Shyamashakhi Devi and wife of Thounaojam Jiten Singh, resident of Khagempalli Pankha Nganappi Thong Mamang Leikai, PO & PS-Imphal, District-Imphal West, Manipur.
4. R.K. (N) Wairokpam Radhapyari @ Baby Devi, aged about 40 years, (Late) R.K. Chourajit Singh and (Late) R.K. Shyamashakhi Devi and wife of Wairokpam Bijoy Singh, resident of Keishampat Leimajam Leikai, PO & PS-Imphal, Imphal West District, Manipur.

... 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. Keisham Priyobrata Singh,
Advocate

Date of hearing & order : **06.05.2026**

O R D E R

[M. Sundar, CJ]

[1] When the captioned matter was first listed (previous listing) on 30.04.2026, the following proceedings were made.

There is no representation for appellant either in the physical court on the Video Conferencing (VC) platform.

However, with the intention of giving opportunity to appellant and learned counsel for appellant, let this matter stand over to 06.05.2026.

List under the cause list caption 'ADJOURNED ADMISSION'.

List on 06.05.2026.

Today, Mr. Keisham Priyobrata Singh, learned counsel on record for sole respondent, adverting to afore-referred earlier listing regretted and tendered apology for missing the matter in the previous listing. Apology accepted and matter is taken up.

[2] A very interesting scenario has unfurled in the captioned matter. Though listed in the admission Board, learned counsel for appellant seeks leave of this Court to withdraw the captioned appeal with preservation of rights to file a suit afresh. The reason is, Mr.

Keisham Priyobrata Singh, learned counsel for sole appellant submits 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:

A rectangular box containing handwritten text in black ink. The text is written diagonally from the top-left towards the bottom-right. It reads: "Withdraw with liberty Th Kunjaraj Singh 19.02.2026". The signature "Th Kunjaraj Singh" is written in a cursive style.

[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 for sole appellant submits that a similar order may please be made in instant case. In this regard, Mr. Keisham Priyobrata 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.
1 may be permitted to withdraw with liberty to file afresh K. Priyobrata S. 06-05-2026. K. PRIYOBARTA SINGH		28 4 26

[3] 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 to order dated 19.02.2026 in MAT. APP. No. 6 of 2026, more particularly paragraph 4 thereat and dispose of the fresh suit on its own merits and in accordance with law.

[4] If the appellant files a fresh suit, the same shall be considered on its own merits and in accordance with law by the jurisdictional court.

[5] 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