

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

MC(Mat.App.)No.9 of 2026

Priyobrata Thounaojam, aged about 42 years, S/o Thounaojam Shamu, a resident of Kiyam Siphai Amurijam Leikai, PO & PS Thoubal, Thoubal District, Manipur- 795138.

Applicant

Vs.

1. Lisham (N) Thounaojam (O) Bijaya Devi, aged about 39 years, W/o Priyobrata Thounaojam, of Kiyam Siphai Amurijam Leikai, PO & PS Thoubal, Thoubal District, at present residing at Haokha Maning Leikai, PO & PS Thoubal, Thoubal District, Manipur-795138
2. Linthoingambi Thounaojam, aged about 17 years, D/o Priyobrata Thounaojam, of Kiyam Siphai Amurijam Leikai, PO & PS Thoubal, Thoubal District, at present residing at Haokha Maning Leikai PO & PS Thoubal, Thoubal District, Manipur-795138
3. Pearson Thounaojam, aged about 10 years, S/o Priyobrata Thounaojam, of Kiyam Siphai Amurijam Leikai, PO & PS Thoubal, Thoubal District, at present residing at Haokha Maning Leikai PO & PS Thoubal, Thoubal District, Manipur-795138

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 Mr. M. Sundar, CJ)

05.05.2026

[1] This order will now dispose of captioned 'Miscellaneous Case' ('MC' for the sake of convenience and brevity).

[2] This order has to be read in conjunction with and in continuation of earlier proceedings made in the listings on 20.03.2026 and 28.04.2026 which read as follows:

'20.03.2026

[1] Captioned 'Miscellaneous Case' ('MC' for the sake of brevity and convenience) has been filed with a 'Condonation of Delay' ('CoD' for the sake of brevity and convenience) prayer seeking condonation of 62 (sixty-two) days delay in filing a statutory appeal under Section 19 of 'the Family Courts Act, 1984 (Act No. 66 of 1984)' {'said Act' for the sake of brevity and convenience}.

[2] Mr. P. Tomcha, learned counsel for MC applicant submits that a Civil Execution Case (Civil Execution Case No. 3 of 2024) on the file of 'learned Family Court, Thoubal' ('said court' for the sake of convenience) came to be disposed of on 16.12.2025, Civil Execution Case is qua order and judgment dated 02.03.2019 inter-alia regarding monthly maintenance and educational expenses.

[3] Not satisfied with order dated 16.12.2025 in Civil Execution Case No. 3 of 2024, main Matrimonial Statutory Appeal under Section 19 of said Act has been filed is learned counsel's say.

[4] As regards MC application, learned counsel submitted that certain documents had to be ferreted out for preparing the appeal, the time consumed in this exercise has caused the delay and therefore, delay is neither willful nor wanton.

[5] Issue notice to respondents returnable by 28.04.2026.

[6] List on 28.04.2026.'

'28.04.2026

Ms. Sandhyarani, learned counsel for MC applicant is before this Court (Physical Court).

Mr. Kar najit Laiphrakpam (Enrollment No. 185 of 2025, address for service – Keishamthong Moirang Ningthou Leirak, Imphal) is present before this Court (Physical Court) and learned

counsel submits that he along with his senior chamber colleague namely, Mr. Ajoy Pebam, advocate, have instructions to enter appearance on behalf of respondents and requests for time to file Vakalatnama.

Afore-referred request for adjournment is acceded to.

List one week hence.

List on 05.05.2026.'

[3] In the hearing today, Ms. Sandyarani Chanu, learned counsel on record for MC applicant and Mr. Ajoy Pebam, learned counsel who has since entered appearance (filed vakalatnam for all there respondents) are before this Court (physical Court).

[4] Learned counsel for MC applicant, adverting to afore-referred 20.03.2026 proceedings as well as paragraphs 3 & 4 of MC application submitted that appellant had initially approached a wrong forum and thereafter, as old documents had to be ferreted out, time was consumed in preparation of the appeal. Learned counsel for MC applicant, Ms. Sandyarani Chanu reiterated that the delay is neither willful nor wanton.

[5] Responding to the above, Mr. Ajoy Pebam, learned counsel for all respondents agreed to have the captioned MC taken up without insisting on filing an affidavit-in-opposition but learned counsel opposed the MC application by submitting that the counsel and appellant could have been a little more diligent and that by itself would have averted the delay. To put it differently, learned counsel for applicant, Mr. Ajoy Pebam submitted that the delay was clearly avoidable.

[6] This Court carefully considered the rival submissions. This Court taking into account that captioned matter is a matrimonial matter, noticing the facts and circumstances of the case and taking into account as to how the parties are circumstanced, more particularly how the appellant is circumstanced and also taking into account the further fact that the delay sought to be condoned is 62 days, is of the view that, argument of the respondents counsel that appellant should have been diligent argument does not cut ice and this Court deems it appropriate to accede to condonation of delay plea.

[7] Sequitur is, delay is condoned.

[8] Registry to process the appeal and if objections have been removed and if appeal is otherwise in order, Registry to assign number to the appeal and list it before Court.

[9] In the result, captioned MC is allowed/ordered as prayed for. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

John Kom