

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

MAT. APP. No. 7 of 2025

H. Christina, aged about 44 years, D/o Late kamei Pouhen Kabui @ Paohemlung Kamei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West District.

... Appellant

- Versus -

1. Agong Kamei, aged about 38 years, S/o Late Pouhen Kabui @ Paohemlung Kamei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West District, Manipur -795004.
2. Gaithaolung Kamei, aged about 51 years, S/o Late Kamei Pouhen Kabui @ Paohemlung Kamei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West, Manipur – 795004.
3. Dinithaorei Kamei, aged about 25 years, S/o Late Kamei Pouhen Kabui @ Paohemlung Kamei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West District, Manipur – 795004.
4. Jangpuilu Gangmei, aged about 41 years, W/o. Dimthaolung, Gangmei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West, Manipur – 795004.
5. Maria Pamei, aged about 50 years, W/o. Maimu Pamei, resident of Thangmeiband Hijam Dewan Leikai, P.O. & P.S. Lamphel, Imphal West, Manipur – 795004.

... Respondents

With
MC(MAT. APP.) No. 19 of 2025

B E F O R E
HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A. BIMOL SINGH

For the appellant : Mr. D. Julius Riamei, Advocate
For the respondents : Mr. Th. Kunjaraj, Advocate
Date of hearing & order : **01.04.2026**

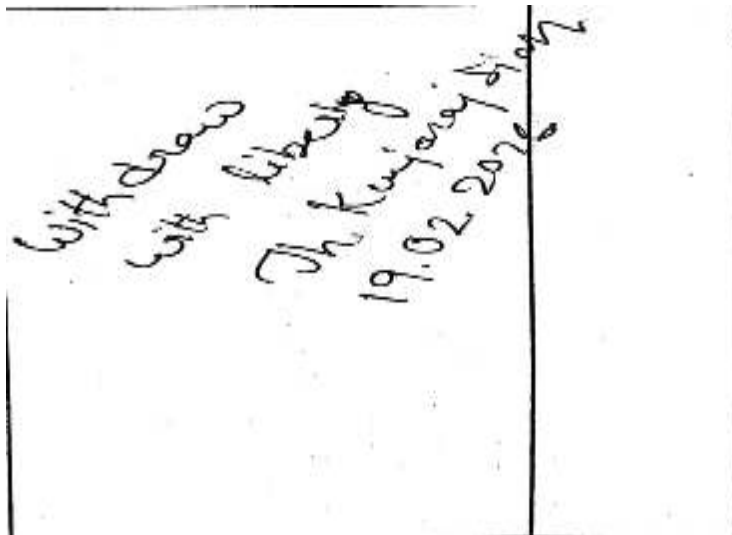
O R D E R

[M. Sundar, CJ]

[1] A very interesting scenario has unfurled in the captioned matter. Captioned matter was referred to mediation, mediation was successful, settlement has been arrived at and terms of settlement have been reduced to writing but learned counsel for appellant (instead of an order in terms of the terms of settlement) seeks leave of this Court to withdraw the captioned appeal as well as 'miscellaneous case' ('MC' for the sake of convenience) thereat with preservation of rights to file a suit afresh. The reason is, Mr. D. Julius Riamei, learned counsel for sole appellant and Mr. Th. Kunjaraj, learned counsel for 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:

[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 scanned image of a handwritten endorsement in a court file. The text is written in cursive and reads: "Withdraw with liberty Th. Kunjaraj Singh 19.02.2026". The text is written diagonally across the page.

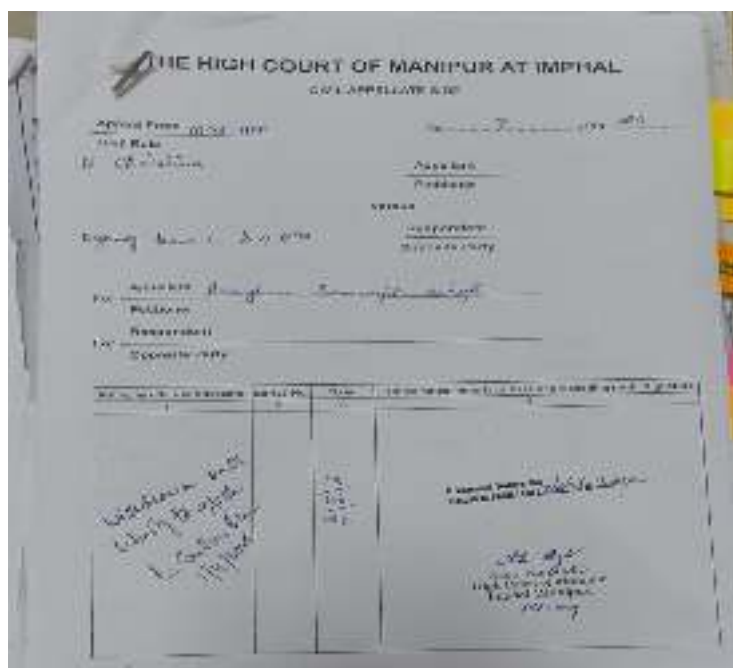
[3] Though it is a case of withdrawal, we deem it appropriate to write that withdrawal became necessary inter-alia owing to Section 35 of the Specific Relief Act, 1963 ('sad Act') which makes it clear that a declaration qua Chapter VI of said Act (captioned 'Declaratory Decree') is binding only on the 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/trying 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. D. Julius Riamei, learned counsel for appellant has made an endorsement in the case file and scanned reproduction of the same is as follows:



[2] In the light of the narrative thus far, captioned statutory appeal under Section 19 of 'Family Courts Act, 1984' and captioned MC thereat are disposed of as withdrawn / closed albeit with preservation of rights and contentions in the manner set out in 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 inherent to Paragraph No. 4 of order dated 19.02.2026 in MAT. APP. No. 6 of 2026 and dispose of the same on its own merits and in accordance with law.

[3] Mediation proceedings and the settlement arrived at therein stand effaced.

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

JUDGE

CHIEF JUSTICE

Bipin