

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

MC (Mat. App.) No. 22 of 2025

Smt. Atom (Ningol) RK (Ongbi) Kesho Devi

Applicant

Vs.

Shri RK Rishikanta Singh

Respondent

BEFORE

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

(ORDER)

(Order of the Court was made by M. Sundar, CJ)

13.02.2026

[1] Captioned Miscellaneous Case (MC) has been filed with a Condonation of Delay (CoD) prayer seeking condonation of 272 days delay in filing a statutory appeal under Section 19 of the Family Courts Act, 1984.

[2] Short facts are that respondent in the captioned MC (RK Rishikanta Singh) filed a Matrimonial (Declaration) Suit being 'Matrimonial (Declaration) Suit No. 46 of 2019' on the file of 'Family Court, Manipur at Lamphelpat, Imphal' ('said suit' and 'said Family Court' respectively for the sake of convenience). One RK Irabot Singh retired as Headmaster of Kebol Girls' High School, Tera Bazar, Imphal (Government Employee, Manipur State) and he died on 25.07.2010.

Case of respondent in captioned MC before said Family Court is that he is the only person entitled to receive family pension which was being received by applicant in the captioned MC on the basis that she is the wife of late RK Irabot Singh. After full contest, said suit was decreed by 'judgment and decree dated 04.02.2025 made by said Family Court' ('impugned decree' for the sake of convenience). Assailing the impugned decree, sole defendant in said Family Court has come to this Court albeit with delay and that has necessitated the captioned MC.

[3] Mr. Kh. Shamungou, learned counsel for MC applicant, adverting to the MC petition, submitted that there are three reasons for delay. The first reason is, MC applicant is an 89 year old woman suffering from multiple chronic ailments and to be noted, this is supported by medical certificate which has been filed before this Court. Second reason is, lapse in communication between MC applicant and her counsel in the said Family Court. It was submitted that impugned decree was made on 04.02.2025 but the learned counsel had not informed the MC applicant about the outcome. The Third reason is an offshoot of the second one i.e., MC applicant came to know about the impugned decree only after stoppage of pension which was much after the prescribed period of limitation.

[4] Mr. I. Denning, learned counsel for respondent in the captioned MC, submitted that applicant in captioned MC cannot be heard to contend that she was not aware of the outcome as the impugned decree was made after full contest. It was pointed out that defendant (MC applicant) had contested the said suit in the said Family Court and therefore, the reasons for delay are far from convincing.

[5] This Court carefully considered the rival submissions. This Court finds that MC applicant is 89 year old. The medical certificate also shows that she has multiple ailments. This Court also notices that it is a matrimonial suit which is a legal tussle between a biological son and MC applicant who says that she is spouse of late father of the MC respondent.

[6] Considering the nature of the matter, facts and circumstances of the case, more particularly taking into account how the 89 year old MC applicant is circumstanced, this Court deems it appropriate to take a liberal view and accede to the CoD prayer.

[7] In the light of the narrative, rival contentions, discussion on the same and dispositive reasoning set out supra, the delay is condoned.

[8] Registry to process the appeal, if objections are removed and assign a number and list the matter, if otherwise in order.

[9] Captioned CoD MC is allowed/ordered as prayed for. There shall be no order as to costs.

Sandeep **JUDGE**

CHIEF JUSTICE