

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

Mat. App. No. 16 of 2025

Km. Moirangthem Bala Devi, aged about 47 years,
D/o Late Moirangthem Manaoton Singh, resident of
Ningombam Mayai Leikai, P.O. Canchipur and P.S.
Singjamei, District Imphal West, Manipur.

..... Appellant

Vs.

1. Shri Moirangthem Sanjit Singh, aged about 51
years, S/o Late Moirangthem Manaoton Singh, a
resident of Ningombam Mayai Leikai, P.O.
Canchipur, P.S. Singjamei, District Imphal West,
Manipur-795003.
2. Shri Moirangthem Rameshwor Singh, aged about
40 years, S/o Late Moirangthem Manaoton Singh,
a resident of Ningombam Mayai Leikai, P.O.
Canchipur, P.S. Singjamei, District Imphal West,
Manipur-795003.

..... Respondents

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

ORDER

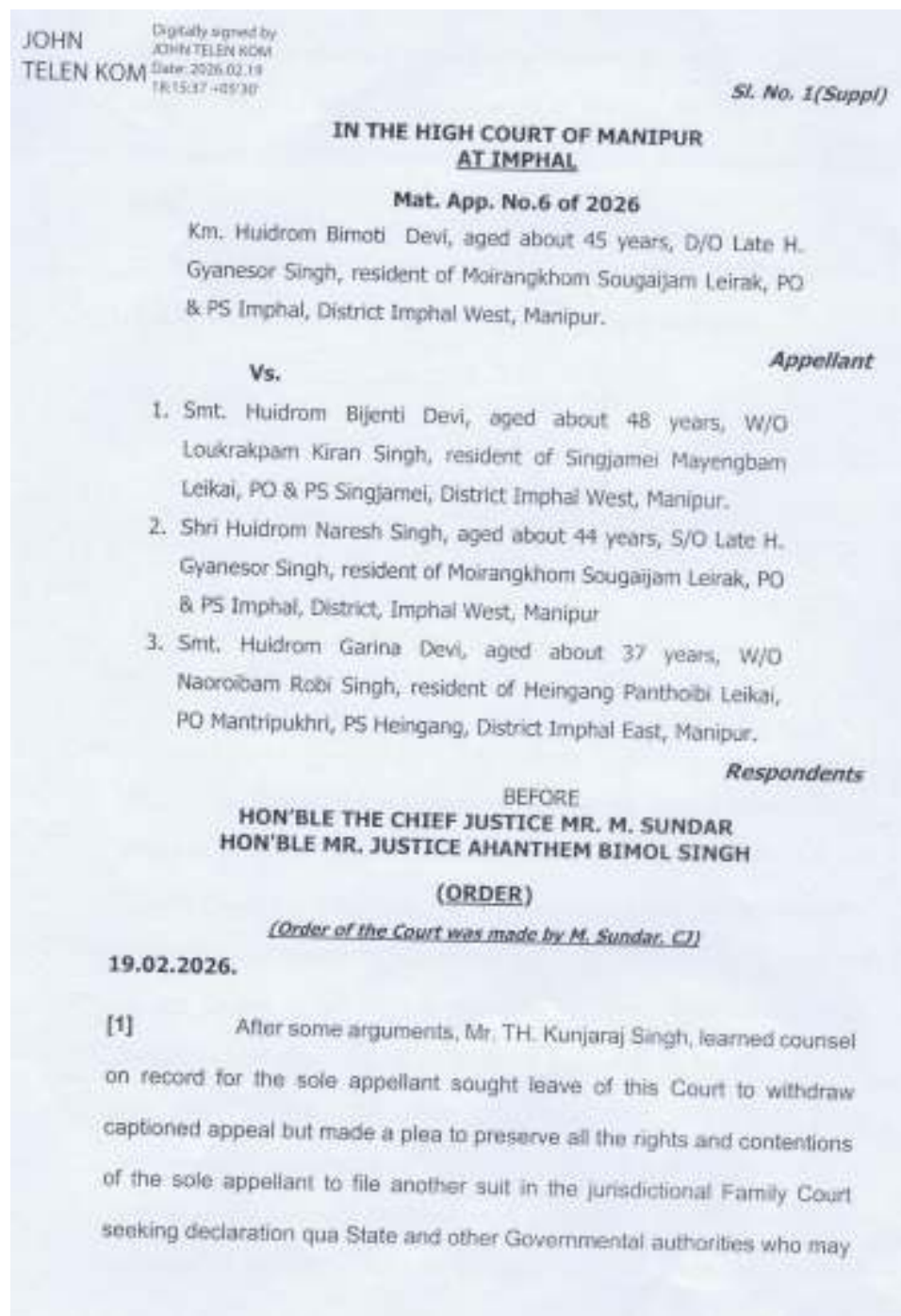
(Order of the court was made by M. Sundar, CJ)

27.02.2026

[1] Mr. Th. Kunjaraj Singh, learned counsel on record for the
sole appellant is before this physical court.

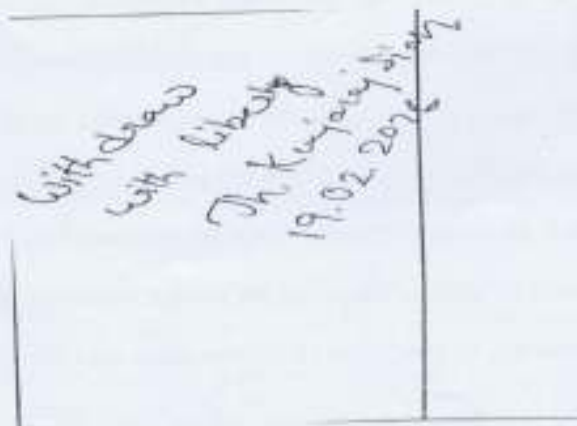
[2] Mr. I. Somorjit, learned counsel for both the respondents is
before us on the Video Conferencing (VC) platform.

[3] Mr. Th. Kunjaraj Singh submits that in the captioned matter he is in a predicament that is similar to the one he was in, in Mat. App. No. 6 of 2026 which was withdrawn by him (withdrawn with liberty to file suit afresh) on 19.02.2026, saying so learned counsel has placed before us the withdrawal order dated 19.02.2026 in Mat. App. No. 6 of 2026 and a scanned reproduction of the same is as follows :



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:



[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 ('said 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.

JUDGE

CHIEF JUSTICE

John Kom

FR/NFR

[4] Learned counsel has made an endorsement in the case file and scanned reproduction of the endorsement is as follows :

Noting by office or Advocate	Ser
1.	
<p>withdrawn with liberty Sh. Kujara Shri 27.2.2026,</p>	

[5] In the light of the narrative thus far and in the light of the endorsement made by learned counsel on record for sole appellant, captioned appeal is disposed as closed/withdrawn albeit with preservation of all rights and contentions of the appellant in the manner set out in paragraph 4 of earlier order dated 19.02.2026.

[6] Captioned appeal disposed of as withdrawn/closed albeit with preservation of rights and contentions of appellant and observations as above.

[7] There shall be no order as to costs.

FR/NFR
Sushil

JUDGE

CHIEF JUSTICE