

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

**MC (W.A.) No. 68 of 2021**

State of Manipur; & Ors.

***Applicants***

***Vs.***

Ningombam Aurna Devi; & Ors.

***Respondents***

**BEFORE  
HON'BLE THE CHIEF JUSTICE MR. SANJAY KUMAR  
HON'BLE MR. JUSTICE MV MURALIDARAN**

**30.11.2021**

***Sanjay Kumar (C.J.):***

The State of Manipur and its officials in the Printing And Stationery Department and the Pension Cell seek condonation of the delay of 6425 days in filing an appeal against the order dated 15.12.2003 passed by a learned Judge of the Imphal Bench of the Gauhati High Court in W.P. (C) No. 1017 of 2003.

Notice having been ordered, Mr. Y. Anil, learned counsel, entered appearance for respondent No. 3 and Mr. S. Suresh, learned counsel, entered appearance for the Accountant General, (A&E), Manipur, respondent No. 2. Despite service of notice, the principal respondent No. 1 did not choose to enter appearance either in person or through learned counsel.

Mr. RK Umakanta, learned Government Advocate, appearing for the applicants/appellants, would fairly state that the order sought to be appealed against has already been implemented but as it runs contrary to the law laid down by the Supreme Court in **Raj Kumari & another Vs. Krishna and others [(2015) 14 SCC 511]**, the authorities were advised to prefer this appeal despite this long delay.

Perusal of the order sought to be appealed against reflects that the issue pertained to payment of family pension to the two wives of a deceased employee and the direction of the learned Judge was to abide by the settlement between the two wives, as reflected in the compromise decree dated 17.06.2000 passed by the learned Judge, Family Court, Manipur, in Title Suit No. 70 of 1999. The order therefore turned upon this compromise decree and the learned Judge did not lay down any *ratio decidendi* contrary to the settled legal position or the rules.

In effect, this decision cannot be taken to be a precedent in future cases of this nature involving two Hindu wives. That being so, we see no reason to condone the delay and entertain an appeal against an order which has worked itself out, due to its implementation long ago.

Making this position clear, the condone delay application is dismissed. In consequence, the unnumbered writ appeal shall stand rejected.

In the circumstances, there shall be no order as to costs.

A copy of this order shall be supplied online or through whatsapp to the learned counsel for the parties.

Sandeep

**JUDGE**

**CHIEF JUSTICE**