



Serial No. 13
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

CRP No. 27 of 2022

Date of Decision: 05.07.2024

Smti. Sarita Kharkongor
W/o (L) Carlus Lamin Gayang
R/o Mawpat, Shillong
Meghalaya

:::Petitioner

-Vs-

Smti. Hilda Dkhar
W/o Carlus Lamin Gayang
R/o 5th Mile Upper Shillong,
East Khasi Hills District
Meghalaya

:::Respondent

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. B. Deb, Adv.

For the Respondent(s) : Mr. P. Yobin, Adv.

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| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |



JUDGMENT AND ORDER (ORAL)

1. The petitioner being aggrieved with order dated 20.02.2020, passed in Misc. Case No. 1 of 2020, by the Court of the Learned Judge, District Council Court, Khasi Hills, Shillong has preferred the instant Civil Revision Application under Order 6 of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014 read with Article 227 of the Constitution of India. The brief facts are that the petitioner claims to be the wife of one (L) Carlus Lamin Gayang, who had expired on 05.05.2019, and at the time of his death was serving in the office of the Directorate of Information and Public Relations, Lower Lachumiere, Shillong, Meghalaya.

2. It has been submitted that the petitioner, had then approached the said respondent for disbursement of family pension and other benefits, however, was informed that she was to obtain an order from a competent civil court having jurisdiction, to show that she was the legally wedded wife of the deceased employee. The petitioner thereafter, came to learn that vide the impugned order dated 20.02.2020, the Learned Judge, District Council Court had declared the respondent as the legally married wife of (L) Carlus Lamin Gayang.



3. Mr. B. Deb, learned counsel for the petitioner has submitted that the writ petitioner was never made a party in the proceedings before the District Council Court and that the declaration given to the respondent by the said Court is illegal and in violation of the Principles of Natural Justice. He therefore prays that the order be set aside and the matter be remanded back for reconsideration.

4. Mr. P. Yobin, learned counsel for the respondent, has submitted that the petitioner has not been able to bring before the Court any evidence or instance to show that she was ever legally married to the deceased employee, but that however, the respondent as can be seen from the impugned order, has produced all the required necessary testimonials such as Marriage Certificate, nomination in the service book, as also the Birth Certificate of the children from the said wed-lock. Learned counsel submits that the respondent is already saddled with debts and security of the late deceased employee amounting to Rs.9 Lakhs, which she has to discharge, which he had incurred while in service. Notwithstanding the hardship faced, he submits that the respondent to close the matter is willing to offer to the writ petitioner Rs.50,000/- (Rupees Fifty Thousand) only, as a closure. He further submits that relegation of the matter back to the District Council Court will cause unnecessary harassment to both the parties. He therefore prays that the impugned order be upheld and the



Revision Application be dismissed, and further submits that the respondent is still willing to give the writ petitioner Rs.50,000/- (Rupees Fifty Thousand) only.

5. I have heard the learned counsel for the parties. On a second query from the Court to Mr. B. Deb, on the offer of the respondent, it appears that the stand of the petitioner is adamant, and the prayer is reiterated that the petitioner be allowed to prove her case, that she is the legally married wife of the late deceased employee.

6. This Court notes with some regret, that though the materials that have been placed before the Court does not show that the matter deserves any further consideration, inspite of the fact that the writ petitioner was not heard before the Judge of the District Council Court, however, at the insistence of the petitioner, and in view of the fact that it is correct that she was not made party before the Judge of the District Council Court, this matter shall stand remanded back to the Court of the Learned Judge, District Council Court for consideration.

7. In order that the matter be disposed of expeditiously, it is directed that the Court of the Judge, District Council Court dispose of the matter preferably within a period of 2(two) months thereafter after remand.



8. The records are to be transmitted back immediately to the Lower Court and further on receipt thereof, the said Court shall on its own motion implead the petitioner as a party respondent.

9. It is further provided that the parties are to put to notice to appear on 22nd July, 2024 before the Court at 10:30 AM, and to co-operate fully to ensure disposal within the timeframe of 2(two) months.

10. As a fresh consideration is to be given into by the learned Judge, District Council Court, the impugned order is hereby set aside.

11. Matter accordingly stands closed and disposed of.

Judge

Meghalaya
05.07.2024
"D.Thabab-PS"

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THABAH

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