



Serial No. 48
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

FA No. 14 of 2025

Date of Decision: 15.07.2026

Smti Fidoris Lyngdoh,
W/o (L) Lalmuana Warjri, 57 aged,
R/o Nongthymmai, Jingkieng Springside,
East Khasi Hills District, Meghalaya

... **Appellant(s)**

Versus

Smti Janti Kharumlong,
R/o Mawlai Mawtawar,
East Khasi Hills District, Meghalaya

... **Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s) : Mr. R.L. Lyngdoh, Adv.

For the Respondent(s) : Mr. N.I. Choudhury, Adv. with
Ms. G. Pyngrope, Adv.

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. This is an application under Section 384 of the Indian Succession Act, 1925, read with Rule 3 & 6, of the High Court of Meghalaya (Jurisdiction over District Council Courts) Order, 2014.

2. The brief facts are that the appellant had filed an application for grant of Succession Certificate for the Gratuity amount of Rs. 9,96,385/- (Rupees Nine Lakhs Ninety-Six Thousand Three Hundred Eighty-Five) only of the deceased employee one (L) Lalmuana Warjri, lying with the office of NEEPCO. On the objections being filed by the respondent to the application, the learned Court below by an order dated 22.10.2024, had come to a finding that as to the question of who is the legally wife of the deceased, between the appellant and the respondent could not be gone into in the proceedings, it was ordered that the Succession Certificate for the said amount be granted to the appellant and to the respondent allowing in equal proportions the Gratuity amount on the principles of justice, equity and good conscience.

3. In the course of the proceedings before this Court, the parties have attempted to come to an amicable settlement, with regard to the sharing of the amount in question, but however have differed on the proportion.



4. Mr. R.L. Lyngdoh, learned counsel for the appellant has submitted that the appellant is the legally wedded wife of the deceased employee, and as per the records maintained in the office of NEEPCO, it can be seen that the appellant has been entered in the Service Book as the legally married wife. A No Objection he submits, has also been obtained from the close heirs to the appellant obtaining a Succession Certificate, but however on the objections filed by the respondent, the lower Court below has passed the impugned order.

5. Mr. N.I. Choudhury, learned counsel for the respondent submits that notwithstanding the materials in favour of the appellant, the respondent had cohabited with the deceased employee, and as per the findings of the Court below, the same is an accepted custom which will constitute a valid marriage. He further submits that the respondent and the deceased employee from their union have two issues, and though they are major now, in view of the relation of the respondent and the deceased employee as husband and wife, she is also entitled to equitable amount from the Gratuity. He further submits that it is on this consideration and finding of the learned Court below, that the order was passed, allowing part of the amount to the respondent.

6. This Court has examined the impugned order and also the materials available on record. An examination of the same would show



that the appellant has a Certificate from the Church with regard to the marriage and also the service records of NEEPCO, in support of her claim. However, the respondent has also produced materials from a Church and from the Dorbar Shnong Mawlai Mawtawar, supporting the claim that she also was the wife of the deceased employee. This Court notes that the same is a vexed question, but the fact that the respondent had cohabited with the (L) deceased employee also cannot be ignored, though it is clear as per the records and from the Marriage Certificate, that the appellant is the duly recorded wife of the deceased employee. In the considered view of this Court therefore, the balance of convenience of facts would weigh in favour of the appellant. Though the learned counsel for the appellant submits that a sum of Rs. 2,00,000/- (Rupees Two Lakhs) only will be made over to the respondent, to bring to a quietus to the matter, Mr. N.I. Choudhury, learned counsel for the respondents though agreeable to bring the matter to a close, however prays that at least Rs. 3,00,000/- (Rupees Three Lakhs) only be given.

7. Finally, as there appears to be some consensus with regard to a settlement but differ only with regard to the amount, this Court deems it fit for the ends of justice that the respondent be paid Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand) only of the Gratuity amount, as a final settlement of the matter.



8. Accordingly, this First Appeal without going into the merits of the matter or examining the grounds or reappreciating the evidence by consent of the parties is closed by allowing the respondent Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand) only from the Gratuity amount of Rs. 9,96,385/- (Rupees Nine Lakhs Ninety-Six Thousand Three Hundred Eighty-Five) only.

9. The matter stands closed and is accordingly disposed of.

JUDGE

Meghalaya
15.07.2026
"V. Lyndem-AR-PS"