

CR(P). No. 56 of 2013

**BEFORE  
THE HON'BLE MR JUSTICE UMA NATH SINGH  
CHIEF JUSTICE (ACTING)**

15.10.2014

I have heard learned counsel for the parties and perused the proceedings.

2. Amongst the proceedings recorded in the past in CR(P) No. 56/ 2013, CR(P) No. 59/2013 and CR(P) No. 20/2014, by different benches of this Court, are the following orders which may give a brief background of the case leading to passing of the instant order. The first detailed order of that kind passed by a learned Single Judge dated 13-12-2013 is as:

**"BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CRP No. 59 of 2013**

13.12.2013

Heard Mr. K Paul, the learned counsel for the petitioner as well as Mr. HS Thangkhiew, the learned senior counsel assisted by Mr. N Mozika, the learned counsel for the respondent. Issue notice to the respondents.

Since Mr. HS Thangkhiew, the learned senior counsel is present and accepted notice, no formal notice is called for.

From the submissions of the learned counsel for the parties, it appears that both the parties are filing petitions after petitions before different Courts including the Court of Munsiff in spite of the fact that a revision petition is pending before this Court as well as appeal pending before the Addl. Deputy Commissioner.

Considering the facts and circumstances of the case, it is directed that till the appeal is disposed of or any other order is passed by this revisional Court over the subject matter of the case in question, the learned Munsiff or any

*other Sub-ordinate Court may not consider any Misc. Case without prior permission of the High Court or Appellate Court.*

*This order is applicable to both the parties.  
List this matter after winter vacation.*

*Sd/-  
**JUDGE”***

3. The second order dated 30-1-2014 to facilitate the mediation process between the parties is as under:

**“BEFORE  
HON’BLE MR. JUSTICE S.R. SEN  
CRP. No. 59 of 2013**

**30.01.2014**

*Heard Mr. H.S. Thangkhiew, learned Sr. counsel assisted by Mr. N. Mozika, learned counsel appearing for and on behalf of the respondents as well as Mr. K. Paul, learned counsel appearing for and on behalf of the petitioner.*

*After hearing the submissions advanced by the learned counsel, I am of the considered view that this is a fit case where the matter needs to be referred to a mediator to settle the dispute between the parties amicably, since the subject matter of the dispute involved here between the father, son and mother.*

*The learned counsel for both the parties suggested the names of Mr. T. Blah (Retd. IAS) and Mr. H.W.T. Syiem (Retd. Chief Secretary, Government of Meghalaya). Considering the suggestions advanced by the learned counsel, accordingly, Mr. T. Blah and Mr. H.W.T. Syiem are hereby appointed as mediators. They are requested to make their best effort to reduce the differences between the parties and to save a family.*

*In the meantime, it is also directed that all court proceedings be kept in abeyance till a mediator arrives in their decision. Parties to bear expenses for mediation including honorarium to the mediators in consultation with their respective lawyers. Place of mediation will be the Office of the Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong or any*

*other place choose by the parties concerned in consultation with the mediators.*

*Registry is directed to communicate this order to all concerned including Member Secretary, Meghalaya Legal Aid Services Authority, Addl. Secretariat, Shillong.*

*Mediation process to complete within 2(two) months.*

*Sd/-  
**JUDGE”***

4. It appears that the matter was thereafter adjourned from time to time. However, learned Single Judge, Hon'ble Mr Justice S.R.Sen, who heard the matter in the beginning on several dates, recused himself from hearing of this matter vide the order dated 28-8-2014 as given below:

**“BEFORE  
HON'BLE MR. JUSTICE S.R. SEN  
CRP. No. 20 of 2014  
28.08.2014**

*Heard Mr. P. Nongbri, learned counsel for the petitioners.*

*List this matter before any other Bench without me i.e. (Hon'ble Mr. Justice, S.R. Sen, J).*

*Sd/-  
**JUDGE”***

5. The then Hon'ble Chief Justice also heard the matter on various dates and passed the following effective orders dated 16-6-2014 and 23-6-2014.

**“CRP No. 56 of 2013**

**16-6-2014**

***HON'BLE THE CHIEF JUSTICE***

*Mr. K.Paul, Advocate, present for the petitioner.*

*Mr. P.Nongbri, Advocate, present for the respondent.*

*In compliance of this court's order dated 30-1-2014, the mediators, Mr. T.Blah and Mr. HWT Syiem, appear to have made efforts for mediation between the litigating parties (members of one family) and said mediators have made certain recommendations/suggestions which are annexed with their letter dated 19<sup>th</sup> May, 2014.*

*However, it appears that there is nothing on the record to suggest that both the parties have agreed to said recommendations. In the circumstances, learned counsel for both the parties are allowed to apprise this Court in writing as to whether parties are agreed to these recommendations or not made by the mediators.*

*List this CRP on 23-6-2014.*

Sd/-  
**CHIEF JUSTICE”**

**“CR(P) No. 56 of 2013**

**23.06.2014**

**HON'BLE THE CHIEF JUSTICE**

*Shri K Paul, Advocate, present for the petitioner.*

*Shri HS Thangkhiew, Senior Advocate, assisted by Shri N Mozika, Advocate, present for respondent.*

*On behalf of respondent, affidavit and additional affidavit have been filed to the suggestions made by the mediator. The petitioner has already filed his affidavit on 16.06.2014. The petitioner is allowed to respond to the affidavit and additional affidavit filed on behalf of the respondent.*

*List this matter on 01.08.2014.*

Sd/-  
**CHIEF JUSTICE”**

6. Thereafter, the matter is being listed before this bench. On 3-9-2014, the Court passed the first order as.

**“CRP No. 20 of 2014**

***BEFORE***

**THE HON'BLE MR JUSTICE UMA NATH SINGH  
CHIEF JUSTICE (ACTING)**

**03.09.2014**

*On the request of learned counsel for the parties, list this Civil Revision Petition with CRP. No. 56/2013 and CRP. 59/2013 on 19-9-2014. It would be open for them to settle the family dispute if they so decide.*

*Learned counsel for the parties also state that the parties who are present in Court, want to remain present along with their counsel for settlement of dispute in the Court.*

*Sd/-  
**CHIEF JUSTICE (ACTING)"***

7. From the aforesaid proceedings, interalia, it appears that there has been protracted litigation between the husband on one side, and the wife and son on the other. It is not a case where one can say for definite that the family has disintegrated or there is a complete breakdown of relationship. Despite reluctance on the part of the parties to accept the recommendations of mediators appointed by the Court, they still seem to be willing to stay under one roof. However, there is crises of confidence because the husband apprehends that his wife may falsely implicate him in cases of domestic violence and other offences if she is to stay with him under one roof, whereas, the wife and son fear that the husband may indulge in violence and may torture them with the help of his muscle men. But still, they want to come closer and stay together, interalia, also for the reason that the marriage of son has been settled. Thus, they agree, during the course of the proceedings, that after burying their differences, temporary, they may stay together for 15 days in the premises of the husband subject to the condition that for the security of the parties and to protect against any untoward incident, they may be given police protection with close circuit camera to be installed and monitored by Police in the premises during the stay of

the parties to record their activities and movements so as to give complete pictures in case of happening of any untoward incident during the period. Husband, Shri Kailash Verma, agrees to bear the expenses for posting of police personnel and installation of close circuit camera. He also agrees and states that he will give an advance of Rs. 50,000/- to his wife and son for their personal expenses during their stay with him for 15 days. He also states that as per family tradition, he will provide dewali gifts to his wife and son. Thus, in terms of consensus and in the light of past proceedings, just in order to instil a sense of confidence in the family members towards each other, it is directed that the Superintendent of Police, Shillong, shall post on duty a lady police Sub-Inspector and a lady Constable in the premises where Shri Kailash Verma will stay with his wife, Smti Kamla Verma and son, Shri Dushyant Verma, in terms of this order, so as to avoid trading of false allegations against each other and to prevent them from indulging in any kind of domestic violence. The police department may also install their close circuit camera in order to record the movements and activities of the parties, to get a complete picture in the case of any untoward incident. Shri Kailash Verma shall deposit the expenses for posting of police personnel as well as installation of police close circuit camera on temporary basis.

List this matter again on 31-10-2014 with the report of lady police Sub-Inspector, who shall be posted in the premises for 15 days, as directed hereinabove from the date of issuance of a copy of this order.

CHIEF JUSTICE (ACTING)

S.Rynjah