

GAHC010119302024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Mat.App./19/2024

PRAHLAD DAS
S/O LATE JADU DAS,
R/O SALONA URIABOSTI, P.O.- SAMAGURI, DIST.- NAGAON, PIN- 782139,
ASSAM.

VERSUS

MANGALI DAS
W/O PRAHLAD DAS,
R/O SALONA URIABOSTI, P.O.- SAMAGURI, DIST.- NAGAON, PIN- 782139,
ASSAM.
PRESENT ADDRESS- R/O BORALIGAON BALIGHAT, P.S.- KALIABOR, P.O.-
KUWARITUL, DIST.- NAGAON (ASSAM), PIN- 782137.

Advocate for the Petitioner : MR H P GUWALA, MR. A BORO

Advocate for the Respondent : MS. N CHOUDHURY (LEGAL AID COUNSEL),

Linked Case : Crl.Pet./367/2022

PRAHLAD DAS AND ANR
SON OF LATE JADU DAS
R/O VILL- PURONA SALONA
P.O. SAMAGURI
DIST. NAGAON
ASSAM

PIN-782139

2: SMT. USHA RANI DAS
W/O LATE JADU DAS
R/O PURONA SALONA
P.O. SAMAGURI
DIST. NAGAON
ASSAM
PIN-782139
VERSUS

THE STATE OF ASSAM AND ANR
THROUGH THE PP
ASSAM

2:SMT. MEGHALI DAS @ MANGALI DAS
R/O BORALIGAON GALIGHAT

P.S. AND P.O. KALIABOR
DIST. NAGAON
ASSAM

PIN-782138

Advocate for : MR. B K DAS
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM AND ANR

Linked Case :

PRAHLAD KUMAR DAS

VERSUS

MEGHALI DAS @ MANGALI DAS

Advocate for : MR. B K DAS
Advocate for : appearing for MEGHALI DAS @ MANGALI DAS

Linked Case : I.A.(Crl.)/919/2023

PRAHLAD KUMAR DAS
S/O LATE JADU DAS
R/O PURONA SALONA
P.O. SAMAGURI
DIST. NAGAON
ASSAM
PIN-782139

VERSUS

MEGHALI DAS @ MANGALI DAS
R/O BORALIGAON BALIGHAT
P.O. KALIABOR
DIST. NAGAON
ASSAM
PIN-782137

Advocate for : MR. B K DAS
Advocate for : MS. N CHOUDHURY (LEGAL AID COUNSEL) appearing for
MEGHALI DAS @ MANGALI DAS

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 07.04.2026

- 1.** Heard Mr. H. P. Guwala, the learned counsel for the appellant in Matrimonial Appeal No. 19/2024 as well as the petitioner in Criminal Petition No. 367/2022 and Criminal Revision Petition No. 9933/2023 with Interlocutory Application (Criminal) No. 919/2023. Also heard Ms. N. Choudhury, the learned Legal Aid Counsel appearing for the respondent.
- 2.** The Matrimonial Appeal No. 19/2024 has been filed by the appellant, namely, Shri Prahlad Das, under Section 19 of the Family Courts Act, 1984 read with Section 28(1) of the Hindu Marriage Act, 1955

impugning the judgment dated 29.05.2024 passed in Title Suit (D) Case No. 86/2016 passed by the Court of learned Additional District Judge No. 3, Nagaon, whereby the prayer for grant of decree of divorce for dissolving the marriage between the appellant namely, Shri Prahlad Das and respondent namely, Smt. Mangali Das was rejected.

3. The Criminal Petition No. 367/2022 has been filed by the petitioner, namely, Shri Prahlad Das, praying for quashing the proceedings of DV Case No. 728/2019, pending before the Court of learned Judicial Magistrate, First Class, Nagaon.

4. Whereas the Interlocutory Application (Criminal) No. 919/2023 has been filed by the petitioner, namely, Shri Prahlad Das, praying for condoning the delay of 21 days in preferring the connected revision petition, whereby the judgment and order dated 21.06.2023 passed by the learned Judicial Magistrate First Class, Kaliabor in M. R. Case No. 22/2017 has been impugned. By the aforesaid order, the petitioner was directed to pay an amount of Rs. 2,500/- per annum to his wife, namely, Smt. Mangali Das.

5. These three matters, namely, Matrimonial Appeal No. 19/2024, Criminal Petition No. 367/2022 and Interlocutory Application (Criminal) No. 919/2023 and Criminal Revision Petition Filing No. 9933/2023 were clubbed together by the order dated 06.12.2024 passed by this Court in Matrimonial Appeal No. 19/2024 as parties in all these cases are same, i.e., the appellant, Shri Prahlad Das as well as respondent, Smt. Mangali Das.

6. It also appears that by order dated 14.08.2025 all the three matters were referred to mediation under Special Drive for Mediation.

7. The learned counsel for the appellant as well as the respondent have submitted that both the parties have appeared before Mediator, namely, Smt. Sangeeta Khataniar of the Gauhati High Court, Mediation Centre on 18.08.2025.

8. It was further submitted by the learned counsel for both sides that during the mediation process, both the parties agreed to settle their dispute through amicable settlement and accordingly, the settlement has been arrived at between both of them on terms and conditions, which have been reflected in the report of the Mediator dated 27.08.2025.

9. The said report has been forwarded to this Court by the Secretary, Gauhati High Court, Mediation Centre.

10. I have gone through the report of Mediator.

11. The learned counsel for both sides have submitted that since the marriage between both the parties has irretrievably broken down and they are agreeable to dissolve their marriage by mutual consent and have no objection if the Matrimonial Appeal No. 19/2024 is allowed and the marriage between the petitioner Shri Prahlad Das and the respondent Smt. Mangali Das is dissolved by issuing a decree of divorce.

12. The learned counsel for both parties have submitted that instead of referring the parties again to the Trial Court, withdrawing the cases of filing the mutual divorce petition, this Court has the jurisdiction to grant final relief to the parties in terms of mutual settlement arrived at by them during mediation and hence, they submit that this Court may finally put to an end to all the litigations by passing an order in these proceedings itself.

13. The learned counsel for the respondent, Ms. N. Choudhury has

submitted that in terms of an amicable settlement arrived at between the parties during mediation the appellant/petitioner has already paid an amount of Rs. 7,50,000/- to the respondent and respondent is agreeable to the condition that she will not raise any further claims for maintenance from the appellant/petitioner.

14. After considering the submissions made by the learned counsel for both sides as well as after going through the report of mediation dated 27.08.2025, this Court, in order to put a quietus to the various litigations pending between the parties, hereby directs as follows:

(i) The Matrimonial Appeal No. 19/2024 is hereby disposed of on withdrawal in terms of the settlement arrived at between the parties during mediation. Both the parties shall appear before the Court of learned District Judge, Nagaon and shall file mutual divorce petition under Section 13B of the Hindu Marriage Act, 1955 in terms of the settlement arrived at between them during mediation process. The said Court shall accordingly grant the parties the relief claimed.

(ii) The Criminal Petition No. 367/2022 filed by the appellant is hereby allowed in terms of the settlement arrived at between the parties and the proceeding of DV Case No. 728/2019 pending before the Court of learned Judicial Magistrate, Nagaon is hereby quashed.

(iii) The Interlocutory Application (Criminal) No. 919/2023 is also dismissed on withdrawal. It is further directed that in terms of the settlement arrived at between the parties during mediation process Smt. Mangali Das respondent shall not pursue the M. R. Case No. 22/2017 any further. The said case may be disposed of by the learned Judicial Magistrate First Class, Kaliabor in terms of the

settlement arrived at between the parties in the mediation process, which was conducted on 27.08.2025.

15. Let the report of mediation dated 27.08.2025 be made a part of this order.

16. The aforesaid cases are, accordingly, disposed of.

JUDGE

Comparing Assistant