

**BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH**

26.11.2014

This is an application filed by the 4 (four) applicants namely (1) Smti. Mrinalini Borbora, (2) Smti. Tribeni Das, (3) Smti. Minakshi Barah and (4) Smti. Kaberi Senapati Abraham for impleading them as respondents in Test Case No. 1/2013) as respondents No. 3, 4, 5 & 6 respectively. It is stated in the present application that they were legal heirs of (Late) Rai Saheb Sonadhar Das Senapati. This Court also heard Dr. O.D.V. Ladia, learned senior counsel assisted by Mr. B. Laitmon, learned counsel appearing for the petitioner in the said Probate Case No. 1/2013. On perusal of the record, it is clear that the said Probate Case had been sent down vide order of this Court dated 07.07.2014 to the learned District Judge, East Khasi Hills District, Shillong to record the statements of the witnesses produced by the parties in support of their respective claims within a period of 5 (five) months from the date of receipt of the order as well as the case record of the Probate Case No. 1/2013.

Dr. O.D.V. Ladia, learned senior counsel appearing for the petitioner i.e. in the Probate Case No. 1/2013 submitted before this Court that recording of statements of the witnesses produced by the parties before the learned District Judge, East Khasi Hills, Shillong had been completed. The case of the present applicants, that they were the legal heirs of (Late) Rai Saheb Sonadhar Das Senapati is to be considered on merit, for consideration of their case, they are required to be impleaded as respondents No. 3, 4, 5 & 6 respectively in the said Probate Case, inasmuch as, the case of the present applicants cannot be thrown away without hearing. For the ends of justice, the present applicants shall be impleaded as respondents No. 3, 4, 5 & 6 respectively in the said Probate Case and they shall be allowed to file the written statements as well as to produce documentary and oral evidence in support of their claims.

In such peculiar circumstances, the learned District Judge, East Khasi Hills District, Shillong is allowed to implead the present applicants as respondents No. 3, 4, 5 & 6 respectively in the said Probate Case and shall allow the applicants to file their written statements and to produce both oral and documentary evidence in support of their case. Learned District Judge shall record the statements of the witnesses produced by the present applicants and send along with the statements of the witnesses which had already been recorded to this Court. Accordingly, period of 5 (five) months mentioned in the order of this Court dated 07.07.2014 for recording the statements of the witnesses is further extended for a period of 5 (five) months from today.

The Registry is directed to send copy of this order as well as copy of the present Misc. Application to the learned District Judge, East Khasi Hills District, Shillong within 2 (two) days. The applicants are further directed to appear before the learned District Judge, East Khasi Hills District, Shillong on 1.12.2014 .

Misc. Case stands disposed of.

JUDGE

Sylvana