

**BEFORE**

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

**30-1-2014**

Mr. HS.Thangkhiew, learned Sr. counsel assisted by Mr. N.Mozika, learned counsel appearing for the petitioners.

The submission of Mr. HS. Thangkhiew, learned Sr. counsel is very impressive. However, there will be further delay in disposing of the Probate Case No. 14(H)/2012 in the event of taking up this revision petition. It appears from the record, very surprisingly, that the probate case has been pending for more than a decade. This court had already directed the learned court before whom the said probate case is pending to dispose of the probate case as expeditiously as possible. But for the reasons best known to the court, the probate case has not been disposed of.

In the given case, more particularly, taking into consideration of the delay in disposal of the said probate case, this court is directing the learned Additional District Judge, Fast Track Court, Shillong to examine PW No.1 on recall within 2(two) months from the date of receipt of this order. Mr. HS Thangkhiew, learned Sr. counsel appearing for the petitioners submits at the Bar that the petitioners has no idea as to the whereabouts of PW No. 1. However, an endeavour shall be made to recall PW No.1 and if not possible to re-examine PW No.1 on recall within the period indicated above, i.e. 2(two) months, no further time shall be granted. This court also perused the misc. application filed by the respondents for recalling PW No.1. In that application, nothing had been mentioned as to how prejudice was caused to the respondents in examining of PW No.1 before the settlement of the issues. It appears that the respondents want to recall PW No.1 only on the ground that PW No.1 had been examined before settlement of the issues. It is a settled law that the procedure is a handmaid and not mistress of law.

With the above observation, this revision petition is disposed of.

**JUDGE**

S.Rynjah