
(2022) 11 SIK CK 0018

In the Sikkim High Court

Case No : Regular Second Appeal No. 07 Of 2020

Dachima Tamang

APPELLANT

Vs

Ran Maya Sherpa And Another

RESPONDENT

Date of Decision : 08-11-2022

Acts Referred:

Code Of Civil Procedure, 1908 — Order 22 Rule 5

Citation : (2022) 11 SIK CK 0018

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : N. Rai, Yozan Rai, Zangpo Sherpa, Dewen Sharma Luitel, Sudesh Joshi, Yadev Sharma, Sujan Sunwar

Judgement

Meenakshi Madan Rai, J

It is submitted by Learned Senior Counsel for the Appellant that one of the witnesses, i.e., the Officer who was to be examined at the relevant time, could not be examined on the date fixed. That, although Summons were reissued to him, he has expressed his inability to be examined on the said date on grounds that he has now been posted in South Sikkim and is pre-occupied with the preparations for the Panchayat Elections which is to take place shortly.

Learned Senior Counsel for the Appellant verbally seeks time for examination of the said witness which is not opposed by Learned Counsel for the other parties.

In the circumstances submitted above, let the concerned witness be examined on a date determined by the Learned Trial Court and the report be filed by the Learned Trial Court on or before 19-12-2022.

The Learned Judicial Officer is expected to inform this Court of the steps taken and forward her finding with regard to the question, i.e., "Who is the legal heir of Late Ran Maya Sherpa and her Late husband Passang Sherpa, in terms of the provisions of Order XXII Rule 5 of the CPC?"

List on 20-12-2022.