

(2023) 09 SIK CK 0002

In the Sikkim High Court

Case No : Writ Petition (C) No. 49 Of 2017

Guru Singh Sabha And Another

APPELLANT

Vs

State Of Sikkim And Others

RESPONDENT

Date of Decision : 01-09-2023

Acts Referred:

Code Of Civil Procedure, 1908 — Order 1 Rule 10

Citation : (2023) 09 SIK CK 0002

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Dr. Navin Barik, Sandip Majumdar, Bhagwant Singh Sialka, Esha Acharya, Ajmer Singh Randhawa, Zangpo Sherpa, Sujana Sunwar, Sedenla Bhutia, Sonam Palden Tamang, Jorgay Namka, Palden Wangchuk Bhutia

Judgement

Meenakshi Madan Rai, J

Heard Learned Counsel for the Petitioner No.1.

Petitioner No.2, Mr. Ajmer Singh Randhawa, is present in person.

When it is the turn of the Petitioner No.2 to make his submissions, he seeks an adjournment as his Counsel is absent today on account of an eye virus for which he is proceeding to Canada for treatment. That, a date accordingly be granted in the month of November, 2023. On query by this Court, he admits that, in the absence of his Counsel, he is competent to make verbal submissions however, he seeks fifteen days time to prepare his arguments. It is also his submission that he is a Cardiac Patient and therefore he cannot remain in Gangtok for a long time as the weather is not suitable for his health, hence if the date is fixed on Monday he cannot be present.

Records reveal that on 27-04-2023 and 18-08-2023 neither the Petitioner No.2 nor his Counsel were present. It is informed by the Reader that the application filed on 17-08-2023 by the Learned Counsel for the Petitioner No.2 under "Order I Rule 10" of the Code of Civil Procedure, 1908, for adjournment of the matter

(sic.), on 18-08-2023 is still lying under defects. Neither the Petitioner No.2 nor his Learned Counsel have taken steps to rectify the defects.

Parties are aware that this matter is of the year 2017. In the interregnum when the matter was to be finally heard a delay occurred on account of submissions made to this Court on 27-04-2023 that modalities were being worked out between the parties for an out of Court settlement. The settlement did not fructify. The matter was part heard on the last day i.e., 18-08-2023 with Learned Senior Counsel for the Petitioner No.1 having put forth his submissions which remained incomplete. The hearing has continued today and Learned Counsel for the Petitioner No.1 has completed his arguments.

In view of the past conduct of Petitioner No.2 as regards his absence in the Court room and having gone unrepresented by Counsel, I am not inclined to adjourn the matter for another fifteen days. Nevertheless, considering that the Petitioner No.2 is suffering from a Cardiac problem, he is advised to communicate with his Counsel and to obtain written submissions by e-mail, which he can present to this Court on Monday i.e., 04-09-2023. This is the limit of the indulgence this Court can extend to the Petitioner No.2.

In light of the above, list the matter on 04-09-2023.