
(2025) 04 SIK CK 0704

In the Sikkim High Court

Case No : Transfer Petition Under Section 24 Cpc Person Restoration Application
Condonation Of Delay Etc No. 01 Of 2025

Karmapa Charitable Trust And Others

APPELLANT

Vs

State Of Sikkim And Others

RESPONDENT

Date of Decision : 28-04-2025

Acts Referred:

Citation : (2025) 04 SIK CK 0704

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : K. K. Rai, B. Sharma, Norden Tshering Bhutia, Sajal Sharma, Thinlay Dorjee Bhutia, Anmole Prasad, N. Rai, Yangchen D. Gyatso, Sagar Chettri, Pradeep Tamang

Final Decision : Disposed Of

Judgement

Meenakshi Madan Rai, J

1. Heard Learned Counsel for the parties.
2. It is submitted by Learned Senior Counsel for the Petitioners that the matter was before the Court of the Learned District Judge, Namchi District, Sikkim. Vide Order dated 11-12-2024, the Learned District Judge forwarded the File to the High Court expressing his inability to hear the matter as the Learned Counsel for the opposing parties objected to it, on grounds that, the Learned District Judge was a Chambers Junior to the Learned Senior Counsel for the Petitioners. Consequently, the matter was taken up by the High Court on the administrative side and transferred to the Court of the Learned District Judge, Mangan District, Sikkim. Vide Order dated 11-03-2025, in Title Suit Case No.01 of 2025 (Karmapa Charitable Trust and Others vs. State of Sikkim and Others), the Learned District Judge, Mangan District, Sikkim, recorded that the Title Suit No.01 of 2017 (Karmapa Charitable Trust and Others vs. State of Sikkim and Others) has been transferred to her Court from that of the Learned District Judge, Namchi District,

Sikkim, vide Office Order No.437/Judl./HCS, dated 01-03-2025.

3. Today, Learned Senior Counsel submits that as Mangan District has no jurisdiction to hear the matter as the territorial jurisdiction of the properties is covered by Gangtok District, the matter may be transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

4. Learned Senior Counsel for the Respondent No.3 submits that the dates have already been fixed by the Learned District Judge, Mangan District, and in fact the matter would be disposed of early in view of the low pendency of the cases in the said Court. However, he has no objection to the matter being transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

5. After hearing Learned Counsel for the parties, it emerges that both parties are in agreement that the matter may be transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

6. In view of the submissions and the agreement arrived at between the parties, Title Suit Case No.01 of 2025 (Karmapa Charitable Trust and Others vs. State of Sikkim and Others) stands transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

7. Transfer Petition stands disposed of accordingly.

8. Pending applications, if any, also stands disposed of.

9. Copy of this Order be forwarded to the Court of the Learned Principal District Judge, Gangtok, Sikkim and Learned District Judge, Mangan, Sikkim.