

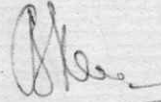
**ORDER SHEET**

In the Court of District Judge, East & North at Gangtok

No. Civil Appeal No. 21 of 2000 of 199~~x~~ 2000

Shri Tarachand Agarwal of  
Rhenock, P.O. & P.S. Rhenock.  
East Sikkim. *Versus*

1. Secretary,  
Urban Dev. & Housing Deptt.  
Govt. of Sikkim, Gangtok.

Sl. No.	Date	Orders with signature of the Presiding Officer	Office notes as to action taken on order (if any) and date
	22-2-2000	<p>Seen the momo of Appeal filed by the ld. counsel Shri B. Sharma for the appellant against the Judgment dated 22-1-2000 passed by the ld. Civil Judge (East) at Gangtok in Civil Suit No. 70 of 1997.</p> <p>vakalatnama<sup>is</sup> filed by the ld. counsel. The same is accepted.</p> <p>Court fees Rs.500/- has been deposited by the appellant vide B.R. No.R/935277, dated 22-2-2000 found to be correct.</p> <p>Register it as Civil Appeal.</p> <p>Since Shri B. Sharma, Ld. Advocate, who has been engaged by the appellant, happens to be my brother. Hence, it may not be proper for me to proceed with this case as a Presiding Officer.</p> <p>The case file, therefore, be forwarded to the Hon'ble High Court for necessary orders.</p> <p align="right">                       ( B.C. SHARMA )                      DISTRICT JUDGE: E&amp;N                      GANGTOK.                 </p>	

# IN THE HIGH COURT OF SIKKIM

## ORDER SHEET

R. FIRST APPEAL .....No. 15 of ~~1999~~ 2000


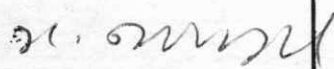
TARACHAND AGARWAL

.....Petitioner/Appellant

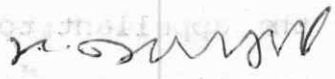
Versus

SECRETARY, U.D. & H.D. *f ors.*


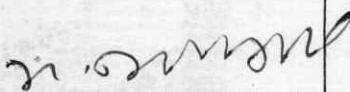
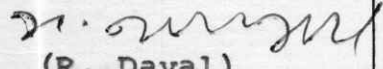
.....Respondent

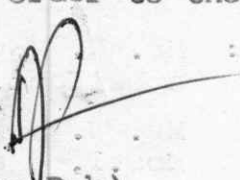

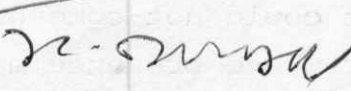
Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	17.3.2000	<p>Present : Mr. D. R. Thapa, Advocate on behalf of Mr. B. Sharma, Advocate for the appellant.</p> <p>Mr. N. Rai, Advocate for respondent Nos. 1, 2 and 3.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos. 4, 5 and 6.</p> <p>---</p> <p>Learned Counsel for the respondents submit that they will be filing Vakalatnama on behalf of their clients before the next date of hearing.</p> <p>Three weeks' time is requested on behalf of the appellant to file paper book.</p> <p>Be listed on 6th April, 2000 for orders.</p> <p><i>and is granted</i></p> <p> ( A. Deb ) <u>Judge.</u></p> <p> ( R. Dayal ) <u>Chief Justice.</u></p>	<p>Office Note as to action (if any) taken on Order</p> <p><i>Vakalatnama filed by Mr. K. T. Bhutia, adv. on 4-4-2000. Urgent. 4/4/2000</i></p>

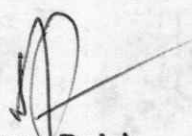
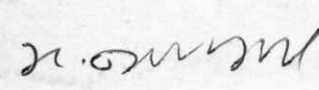
at/

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
2.	6.4.2000	<p>Present : Mr. N.K.P.Sarraff, Advocate appearing for Mr. B.Sharma, Advocate for the appellent.</p> <p>Mr. N. Rai, Advocate for respondent Nos.1, 2 and 3.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos. 4,5 &amp; 6.</p> <p style="text-align: center;">--</p> <p>An application for time to file paper book has been signed and filed by Sri N. K. P. Sarraff, Advocate who has not filed Vakalatnama on behalf of the appellent. It is unfortunate that the Counsel has done this. The application is rejected.</p> <p>Paper book not filed. Preparation of the paper book is dispensed with.</p> <p>Be listed on 9th May, 2000 for hearing.</p> <p style="text-align: center;">             ( R. Dayal )            Chief Justice  <u>6/4/2000</u> </p>	<p>Vakalatnama filed by Mr. Moulhok 25-4-2000</p>

at/

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
3.	9.5.2000	<p>Present : Mr. B. Sharma, Advocate for the appellant.</p> <p>Mr. N. Rai, Advocate for respondent Nos. 1, 2 and 3.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos.4, 5 and 6.</p> <p>----</p> <p>On request, the matter be listed on 23.5.2000 for hearing.</p> <p> ( A. Deb ) Judge <u>9/5/2000</u></p> <p> ( R. Dayal ) Chief Justice <u>9/5/2000</u></p>	
4.	23-5-2000	<p>Present: Mr. A. Moulik, Advocate for the appellant.</p> <p>Mr. N. Rai, Advocate for respondent Nos.1, 2 and 3.</p> <p>Mr. K.T. Bhutia, Advocate for respondent Nos.4, 5 and 6.</p> <p>---</p> <p><u>C.M.A. No.121/2000.</u></p> <p>This application has been filed by the appellant for permission to file the Paper Book. Application is allowed. Paper Book be kept on record.</p> <p>Learned counsel for the appellant requests for a date on the ground that his client could not come due to illness of his father whose presence may be required during the hearing. Adjournment not opposed.</p> <p>Be listed for hearing on 20-7-2000.</p> <p> ( R. Dayal ) <u>Chief Justice.</u></p>	

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
5.	20-7-2000	<p>Present: Mr. A. Moulik, Advocate for the appellant.</p> <p>Mr. N. Rai, Advocate for respondent Nos.1, 2 and 3.</p> <p>Mr. K.T. Bhutia, Advocate for respondent Nos.4, 5 and 6.</p> <p>-----</p> <p>Mr. Moulik, learned counsel for the appellant wants to argue the case before the Division Bench. Accordingly, it is ordered that the matter be placed before the Division Bench.</p> <p>List it on 28-7-2000 before the Division Bench for hearing.</p> <p>Send a copy of the order to the concerned Advocates.</p> <p style="text-align: right;"> (Anup Deb) <u>Acting Chief Justice.</u></p>	<p>Copy has sent to the concerned Advos. Moulik</p>
6.	28.7.2000	<p>Present : Mr. A. Moulik, Advocate for the appellant.</p> <p>Mr. N. Rai, Advocate for respondent Nos. 1, 2 and 3.</p> <p>Mr. K. T. Bhutia, Advocate for respondent Nos. 4, 5 and 6.</p> <p>-----</p> <p>Heard arguments. Judgment reserved.</p> <p style="text-align: center;"> </p> <p>( A. Deb )                      ( R. Dayal ) Judge                              Chief Justice <u>28.7.2000</u>                      <u>28.7.2000</u></p>	

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
7.	24-8-2000	<p>Present: Mr. H. Sanyal, Advocate holding brief for Mr. A. M<sub>o</sub>ulik, Advocate for the appellant.</p> <p>Mr. L.B. Rai, Commissioner-cum-Secretary, Urban Development and Housing Department in person.</p> <p>Mr. N. Lepcha, Advocate holding brief for Mr. K.T. Bhutia, Advocate for respondent Nos.4, 5 and 6.</p> <p style="text-align: center;">---</p> <p>A prayer has been made on behalf of the appellant for withdrawal from the appeal on the ground that an agreement has been entered into between the parties settling the dispute and in support thereof an affidavit has been filed by respondent No.1 along with the deed of agreement. The appeal is dismissed as withdrawn.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">               (Anup Deb)              Judge              24-8-2000.         </div> <div style="text-align: center;">               (R. Dayal)              Chief Justice              24-8-2000.         </div> </div>	<p>Copy of order dt- 24-8-2000 along with the records of C/S no 70197 forwarded to Court Court on 14-9-2000</p> <p style="text-align: right;"><i>W. Singh</i></p>

rsr/