

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

RFA No. 02/2020

M/S SSKC-SSKI (JV)

APPELLANT (S)

VERSUS

U. NARAYANA SHARMA & ORS.

RESPONDENT (S)

For Appellant : Mr. A. K. Upadhyaya, Senior Advocate.
Mr. Shakil Karki, Advocate.

For Respondent No.1 : Mr. Jorgay Namka, Advocate.
Mr. Udai Kunwar, Advocate.
Mr. Simeon Subba, Advocate.

For Respondent No.2 : Ms. Rachhitta Rai, Advocate.

For Respondent No.3 : Mr. Karma Thinlay Namgyal, Central Government
Counsel.

WITH

RFA No. 03/2020

AVANTIKA CONTRACTORS (I) LTD.

APPELLANT (S)

VERSUS

U. NARAYANA SHARMA & ORS.

RESPONDENT (S)

For Appellant : Ms. Rachhitta Rai, Advocate.

For Respondent No.1 : Mr. Jorgay Namka, Advocate.
Mr. Udai Kunwar, Advocate.
Mr. Simeon Subba, Advocate.

For Respondent No.2 : Mr. A. K. Upadhyaya, Senior Advocate.
Mr. Shakil Karki, Advocate.

For Respondent No.3 : Mr. Karma Thinlay Namgyal, Central Government
Counsel.

Date: 03/12/2021

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

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JUDGMENT: (per the Hon'ble, the Chief Justice)

After hearing the learned advocates for the parties, it appears that this matter is akin to another matter which was recently heard and disposed of by a

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Division Bench on 1st November, 2021, in R.F.A. No. 04 of 2018 (*M/s Thomas Enterprises and Anr. Vs. M/s. Yuksom Breweries Ltd.*).

In that matter the Court had issued the following directions:-

“13. We are thus of the considered view that the impugned judgment and decree dated 30.07.2018 passed by the learned District Judge in the Money Suit must be set aside and the Money Suit transferred to the files of the Commercial Court. The Money Suit shall then be tried by the Commercial Court as per the provisions of the Act. It is accordingly ordered. Pending application is also disposed.”

A similar order is required to be passed in the instant matter as well as R.F.A. No. 03 of 2020, both of which stand disposed of accordingly, along with all pending applications.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice

jk/avi/bp