

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Regular First Appeal No. 5 of 199/ 2003







..... Puranmull Agarwal Petitioner/Appellant





Versus



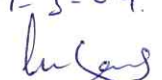
..... Tshering Dorjee Sherpa Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	25.9.2003	<p style="text-align: center;">Heard Mrs. L. Chakraborty, learned Counsel for the appellant.</p> <p style="text-align: center;">Admit.</p> <p style="text-align: center;">Issue notice returnable on 25.11.2003. Learned Counsel for the petitioner undertakes to file requisites for issue of notice within 3 days.</p> <p style="text-align: center;">Civil Misc. Application No. 119 of 2003 is accordingly, disposed of.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><i>N. S. Singh</i> (N. S. Singh) Judge 25.9.2003</p> </div> <div style="text-align: center;"> <p><i>R. K. Patra</i> (R. K. Patra) Chief Justice 25.9.2003</p> </div> </div>	<p>Requisites filed and notice issued on 26.9.03 to the respondent.</p> <p><i>Thapa</i> 26.9.03</p> <p>files called for Court below.</p> <p><i>Thapa</i></p> <p>Records received from the trial court.</p> <p><i>Thapa</i> 5/11/03</p> <p>Neither the A.D. Card nor the envelope need back from the respondent.</p> <p><i>Thapa</i> 24/11/03</p>
2.	25.11.2003	<p style="text-align: center;">Heard Mrs. L. Chakraborty, learned Counsel for the appellant. Shri Umesh Rampal learned Counsel has appeared today on behalf of the respondent.</p> <p style="text-align: center;">Paper book may be prepared by the appellant consisting of plaint, deposition and written statements within 4 weeks.</p> <p style="text-align: center;">List this case for hearing on 4.3.2004.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p><i>N. S. Singh</i> (N. S. Singh) Judge 25.11.2003</p> </div> <div style="text-align: center;"> <p><i>R. K. Patra</i> (R. K. Patra) Chief Justice 25.11.2003</p> </div> </div>	

at/

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3.	4.3.2004	<p>Paper books have been filed today in Court. As prayed for by the learned Counsel for the parties, list this case on 16.3.2004 for hearing.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	
at/			
4.	16.3.2004	<p>Heard in part. Put up day-after-tomorrow, i.e. on 18.3.2004 for further hearing.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	
at/			
5.	18.3.2004	<p>Heard Mrs. L. Chakraborty, counsel for the appellant and Shri Umesh Ranpal, counsel for the respondent. Counsel submit that the parties have entered into compromise on certain terms and conditions and they will file a joint compromise petition in course of today.</p> <p style="text-align: center;">Put up tomorrow for consideration of that petition if filed.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	

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6. 18.3.2004	18.3.2004	<p>Heard Mrs. L. Chakraborty, Counsel for the appellant and Shri Umesh Ranpal, Counsel for the respondent.</p> <p>Counsel submit that the parties have entered into compromise on certain terms and conditions and they will file a joint compromise petition in course of today.</p> <p>Put up tomorrow for consideration of that petition if filed.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	
at/ 7. 19.3.2004	19.3.2004	<p>It is stated that parties have not been able to sign the compromise petition. Put up on 24.3.2004. In the meantime, the parties may file compromise petition.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	
at/ 8. 24.3.2004	24.3.2004	<p>Defendant is in appeal which is directed against the judgment dated 27.6.2003 passed by the learned District Judge (East and North) Sikkim at Gangtok in Civil Suit No. 16 of 2001 directing his eviction from the suit premises.</p> <p>During the pendency of this appeal, the parties have entered into compromise out of Court and have today filed a joint petition praying to dispose of the matter in terms and conditions mentioned therein. The appellant and respondent have signed the compromise</p>	

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		<p>petition.</p> <p>We have heard counsel for the parties. In view of the compromise arrived at by both the parties, the judgment and decree of the trial court are hereby set aside and this appeal is disposed of in terms of the compromise petition which shall form part of this order.</p> <p>The appeal is accordingly disposed of as indicated above. No costs.</p> <p style="text-align: center;">  (N. S. Singh) Judge </p> <p style="text-align: center;">  (R. K. Patra) Chief Justice </p>	<p>Record g. filed Court sent back on 31-3-04.  31/3/04</p>