

**IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION**

R. F. A. No.

02

OF

2016

Smt. Kamala Gurung,
W/o Rudramani Gurung,
R/o Jorethang Bazar, 3rd Lane,
Opposite Private Van Stand,
P. O. & P. S. Jorethang,
South Sikkim.

----- Appellant.

-VERSUS-

Shri Arjun Kumar Minda,
S/o Late Botharam Minda,
R/o Jorethang Bazar, 3rd Lane,
Opposite Private Van Stand,
P. O. & P. S. Jorethang,
South Sikkim.

----- Respondent.

PETITIONER
ADVOCATE (S)
FOR -----

Mr. Sudesh Joshi, Ms. Manita Pradhan, Mr. Deepen
Pradhan, Ms. Tengpo Subba and Mr. Sishir Mothay.

RESPONDENT
ADVOCATE (S)
FOR -----

RFA No. 02 of 2016

Kamala Gurung vs. Arjun Kumar Minda

**BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

7. 09.11.2016

Present: Mr. Sudesh Joshi, Advocate with Ms. Tengop Subba, Advocate for the Appellant.

Mr. A. Moulik, Sr. Advocate with Mrs. K.D. Bhutia and Ranjit Prasad, Advocates for the Respondent.

I.A. No. 2 of 2016

Heard learned Counsel for the parties.

During the course of submissions, learned Senior Counsel for the Respondent, has led this Court through the evidence at Page Nos. - 39, 51, 58, 69, 77 and 89 of the Paper-Book prepared by the Registry, which contains the evidence of the parties. It is submitted that the evidence on record clearly indicates that the four storied building of the Respondent is completed and, therefore, in such a situation the Petition is superfluous. That, there is no necessity of appointing a Commission to find out a fact that is already in the record of the learned Trial Court.

Learned Counsel for the Petitioner submits that as the Senior Counsel has admitted the above position, i.e. ownership and completion of the four storied building by the Respondent, he does not seek to press the Petition.

In such circumstances, the Petition is disposed of as not pressed.

List for hearing on RFA on 30.11.2016.


Judge
09.11.2016

index : Yes / No
Internet : Yes / No

ds/bp