

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

R. F. A. No. 05 OF 2015

Mrs. Devi Maya Chettri,  
W/o Late Karna Bahadur Chettri,  
R/o Middle Sichey,  
Gangtok, East Sikkim. ----- Appellant.

**-VERSUS-**

1. Shri Lal Bahadur Chettri,  
S/o Late Purna Bahadur Chettri,  
R/o Sichey Busty,  
P. O. & P. S. Gangtok,  
East Sikkim.
2. Shri Rajendra Chhetri,  
S/o Late K. B. Chhetri,  
R/o Middle Sichey Busty,  
P. O. & P. S. Gangtok,  
East Sikkim. ----- Respondents.

PETITIONER  
ADVOCATE (S)  
FOR ----- Mr. B. K. Gupta, Legal Aid Counsel.

RESPONDENT  
ADVOCATE (S)  
FOR -----

Case No.....

| Serial No. | Date     | Order (s) with Signature (s)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| 08.        | 05.09.16 | <p>Present: Mr. B.K. Gupta, Legal Aid Counsel for the Appellant.</p> <p>Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chhetri, Ms. Malati Sharma and Ms. Bindu Gurung, Legal Aid Counsel for the Respondents.</p> <p>...</p> <p>In the course of hearing, it is brought to the notice of this Court that Late Karna Bahadur Chhetri, husband of the plaintiff/appellant, had executed a Will as last Will on 09.08.2010, bequeathing the same property to his children.</p> <p>A case, seeking letter of administration, is pending consideration in Civil Misc. Case (Succession) No. 84 of 2015 (Mrs. Devi Maya Chhetri vs. Rajendra Chhetri &amp; ors.) on the file of the District Judge, East Sikkim at Gangtok.</p> <p>In the interest of justice, it is proper that the said pending case be decided on its own merit in accordance with law, as expeditiously as possible, preferably within a period of four months.</p> <p>List this matter on Monday after reopening of this Court in February, 2017.</p> <p style="text-align: right;"> <br/> <b>Acting Chief Justice</b><br/> 05.09.2016 </p> |

pm/to Index : Yes / No  
 Entered in the Court's Register No. 5000 Ncs./1.10.2015