

High Court of Sikkim
Record of proceedings

RFA No.05 of 2015

DEVI MAYA CHETTRI

...APPELLANT

VERSUS

MAHESH CHETTRI & ORS.

...RESPONDENTS

WITH

RFA No.04 of 2016

MR. RAJENDRA CHETTRI

...APPELLANT

VERSUS

MRS. DEVI MAYA CHETTRI & ORS.

...RESPONDENTS

WITH

RFA No.11 of 2017

DEVI MAYA CHETTRI

...APPELLANT

VERSUS

MAHESH CHETTRI & ANOTHER

...RESPONDENTS

Date : 26-02-2020

CORAM:

THE HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CHIEF JUSTICE

O R D E R

I.A. No. 02 of 2017 is an application under Section 151 CPC filed by the respondent nos.1 in RFA No.05 of 2015. By the said application, the applicant contends that in view of the decision rendered in Civil Misc. Case (Succession) No. 84/2015 holding that disputed plots of lands which are subject matter of Title Suit No.28 of 1997 fall in the share of Rajendra Chettri, Smt. Devi Maya Chettri, the appellant in RFA No. 05 of 2015, has no *locus standi* to maintain the appeal and therefore, the appeal is liable to be dismissed.

I have heard Mr. Rai learned Senior Counsel for the applicant as well as Mr. T.B. Thapa, learned Senior Counsel, assisted by Mr. Ranjan Chettri and Mr. Khem Raj Sapkota as well as Mr. B.K. Gupta (Legal Aid

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Counsel) for the appellant in RFA No.05 of 2015 in connection with I.A No.02 of 2017.

After hearing the learned Counsel for the parties, this Court expressed the view that the hearing of the appeals may commence and at the time of consideration of RFA No. 05/2015, the contentions advanced in application under Section 151 CPC shall also be taken into consideration by the Court.

Learned Counsel for the parties have agreed to the course of action proposed by the Court and accordingly, hearing of RFA No. 05/2015 has commenced.

The hearing of RFA No. 05/2015 is yet to be completed and therefore, the hearing of other two appeals listed today, namely, RFA No. 04 of 2016 and 11 of 2017 has not begun.

The Court also records that Mr. A.K. Upadhyaya, learned Senior Counsel for the appellant in RFA No.04 of 2016 and Ms. Puja Lamichaney, learned Legal Aid Counsel, for respondent nos.3, 4 & 5 in RFA No.04 of 2016 are present.

As agreed by the learned Counsel for the parties in all the three appeals, Registry will list the appeals on 03.03.2020.

Chief Justice