

HIGH COURT OF SIKKIM

Record of Proceedings**RFA No.06 of 2018**

ERIC PAZO

APPELLANT

VERSUS

JORGAY NAMKA & ORS.

RESPONDENTS

Date: 04.04.2022

CORAM:

THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

For Appellant

Ms. Gita Bista, Advocate (Legal
Aid Counsel).

For Respondents

R-1

Mr. Simeon Subba, Advocate.

R-2 to R-5

Ms. K.D. Bhutia, Advocate.
Mr. Ranjit Prasad, Advocate.O R D E R

The Appellant has filed an Affidavit, dated 28.03.2022, in compliance of the Orders of this Court, dated 22.02.2022 attaching the Death Certificate of the deceased Respondent No.2 (Primrose Pazo). The Death Certificate of deceased Respondent No.2 is taken on record.

Costs of Rs.2,000/- (Rupees two thousand) only, has also been deposited by the Appellant in the Account of the Sikkim State Legal Services Authority in compliance to the last order.

It is submitted by Learned Counsel for Respondents No.2 to 5 Ms. K.D. Bhutia that the sons of the deceased Respondent No.2 are already on record as Respondents No.3 and 5. It is further informed that Respondent No. 4 (Late Pem Ong Tshering Pazo), also the son of deceased Respondent No.2, passed way in the interim. This is reflected in the Orders of this Court dated 03.08.2021.

In light of the above circumstance, I.A. No.05 of 2021 filed by the Appellant, which is an application under Order XXII Rule 2 read with Section 151 of the Code of Civil Procedure, 1908, seeking substitution of legal heirs and successors of Respondent No.2, stands disposed of being infructuous.

List for final hearing on 23.05.2022.

Judge
04.04.2022