

High Court of Sikkim

Record of proceedings

RFA No.08 of 2020

M/s. Ramjilal Tarachand

Appellant

VERSUS

Naresh Subba and Others

Respondents

Date : 12-10-2020

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

For Appellant Mr. Sudesh Joshi, Advocate.

For Respondents

R-1 & R-2 None present.

R-3 None present.

ORDER

Heard learned counsel for the Appellant.

The Appellant assails the Judgment and Decree of the Learned District Judge, Special Division – II, East Sikkim, at Gangtok, dated 30-06-2020, in Eviction Suit No.10 of 2015, vide which the Learned District Judge was pleased to decree the Suit in favour of the Respondents No.1 and 2 herein and ordered the Appellant to vacate the suit premises within a period of ninety days. The Learned Trial Court also ordered the Appellant to pay arrears in rent from November 2014 till the date of handing over the Suit premises to the Respondent No.1.

Let the Appellant calculate and pay the arrears in rent from November, 2014 till 31st October, 2020. The sum shall be deposited before the Registry within a period of two weeks from today, either by opening a separate account or by depositing the sum in any other account of the High Court. Necessary separation of the above amount shall be maintained. Affidavit indicating arrears calculated and deposited as ordered herein above be filed by the Appellant.

Subsequent thereto, the monthly rent shall be deposited in the Bank Account by the Appellant duly affirmed by filing an Affidavit before this Court.

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The questions raised in the Appeal, I find are arguable points of law, which require examination.

Consequently, Appeal is admitted.

Issue Notice to the Respondents.

Requisites be filed within one week.

Call for the records of the Learned Trial Court.

Heard on I.A. No.01 of 2020 which is an application filed by the Appellant seeking a stay on the impugned Judgment and decree.

The impugned Judgment and decree dated 30-06-2020, in Eviction Suit No.10 of 2015, is hereby stayed, until further orders.

Send a copy of this Order to the Learned Trial Court for information.

List on 26-11-2020.

Judge

12-10-2020

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