

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

R. S. A. No. 01 OF 2016

1. Shri Furden Tshering Bhutia,
S/o Late Karma Tshering Pintso Bhutia
@ Sepchung Bhutia
2. Shri Karma Sonam Bhutia,
@ Karma Tshering Bhutia,
S/o Late Karma Tshering Pintso Bhutia,
@ Sepchung Bhutia
3. Shri Norbu Sonam Bhutia,
@ Norbu Tshering Bhutia,
S/o Late Karma Tshering Pintso Bhutia,
@ Sepchung Bhutia
4. Mrs. Dawa Doma Bhutia,
W/o Late Sandu Bhutia
@ Sandup Bhutia
5. Miss. Hissey Palmu Bhutia (Minor),
D/o Late Sandu Bhutia
@ Sandup Bhutia
Represented through her mother
Dawa Doma Bhutia
6. Master Kalden Dorjee Bhutia (Minor),
S/o Late Sandu Bhutia
@ Sandup Bhutia
Represented through her mother
Dawa Doma Bhutia

7. Shri Dadul Bhutia,
S/o Late Karma Tshering Pintso Bhutia,
@ Sepchung Bhutia.
*(All are residents of Bermiok Tokal,
P. O. Bermiok, P. S. Temi, South Sikkim)* ----- Appellants.

-VERSUS-

1. Smt. Payzee Bhutia (Sherpa),
W/o Passang Sherpa,
R/o Mungrung Busty,
P. O. & P. S. Namchi, South Sikkim.
2. Smt. Diki Palmo Bhutia,
W/o Dr. Thinley Nidup Bhutia,
3. Dr. Thinley Nidup Bhutia,
(Both are residents of Bermiok Thangsing Block
P. O. Bermiok, P. S. Temi, South Sikkim).
4. The Secretary,
Land Revenue Department,
Government of Sikkim, Gangtok.
5. District Collector,
South District at Namchi, South Sikkim.
6. Sub - Divisional Magistrate,
Office of the District Collectorate,
South District at Namchi, South Sikkim. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Ms. B. N. Sharma.

RESPONDENT

ADVOCATE (S)

FOR ----- Mr. J. B. Pradhan, Addl. Advocate General, Mr. Karma
Thinlay, Sr. Govt. Advocate, Mr. S. K. Chettri and Ms. P.
Rai Asst. Govt. Advocate.

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
04.	19.10.16	RSA No. 01/2016 Furden Tshering Bhutia & Ors. vs. Payjee Bhutia (Sherpa) & Ors. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, CJ. Present: Mr. B. Sharma, Sr. Advocate with Mr. Bhola Nath Sharma, Advocate for the Appellants. Mr. S. S. Hamal with Ms. Bhawana Chettri, Advocate for Respondents No. 1, 2 and 3. Mr. S. K. Chettri, Assistant Govt. Advocate for Respondents No. 4, 5 and 6. The appeal is admitted on the following substantial question of law: (i) Whether the property claimed by the first respondent under Gift Deed forms a part of Biyas, Masikata and Pakhuria, as defined under Revenue Order No. 01 dated 17.05.1917 issued by the then Superintendent, Sikkim State. (ii) Whether the Sub-Divisional Magistrate, Namchi is competent to pass the order of mutation in respect of the property gifted as above by Topching Bhutia, father to his son, particularly, in view of the contention of the appellants, who happens to be grandchildren that the

Case No.....

Serial No.	Date	Order (s) with Signature (s)
1	2	3
		property alleged to have been gifted is an ancestral property. Paper-books be prepared in the meantime. Call on 24.02.2017. <i>sd</i> Chief Justice 19.10.2016

jk/to

Index : Yes / No
Internet : Yes / No