

RSA No. 01/2016
Furden Tshering Bhutia & Ors. vs. Payjee Bhutia (Sherpa) & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

07. 25.04.17 Present: Mr. B. Sharma, Sr. Advocate with Mr. Bhola Nath Sharma and Mr. Sajal Sharma, Advocates for the Appellants.

Mr. S. S. Hamal with Ms. Dechen Bhutia and Ms. Bhawana Chettri, Advocates for Respondents No. 1, 2 and 3.

Mr. S. K. Chettri and Ms. Pollin Rai, Assistant Govt. Advocates for Respondents No. 4, 5 and 6.

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Learned Senior Counsel appearing for the appellant submits that certain relevant documents necessary for proper adjudication of the appeal could not be placed on record. Thus, a last opportunity may be granted to place the same on record.

Learned counsel appearing for the respondents have no objection. It is ordered.

The appellant is directed to file all the relevant documents in a separate paper-book within a period of two weeks.

The note prepared by the Deputy Registrar (Judicial) indicating the substantial questions of law framed by this Court is erroneous. Pursuant to the order dated 06.04.2017, the following substantial questions of law are framed for consideration in the second appeal.

1. Whether the property claimed by the first respondent under alleged Gift Deed is in violation of Revenue Order No. 1 notified on

17.05.1917 and modified subsequently time to time.

2. 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 property alleged to have been gifted is an ancestral property.

List it on 08.06.2017 for final hearing.

Chief Justice

25.04.2017

jk/avi **Index : ~~Yes~~ / No**
Internet : Yes / ~~No~~