

High Court of Sikkim
Record of Proceedings

RSA. No. 02/2018

OLD RUMTEK MONASTERY & ORS.

APPELLANT (S)

VERSUS

LAMA KARMA DORJEE & ORS.

RESPONDENT (S)

Date: 27/11/2019

CORAM :

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

...

Heard Mr. B. Sharma, learned Senior Counsel assisted by Mr. B.N. Sharma, learned Advocate appearing for the appellant. Also heard Mr. Jorgay Namka, learned counsel appearing for respondents no. 1 and 4 and Dr. Doma T. Bhutia, Learned Additional Advocate General, Sikkim appearing for respondent no. 5.

Perused the order dated 07.12.2018.

A perusal of the said order goes to show that a learned Single Judge (the then Chief Justice) of this Court was not in agreement with the view taken by another learned Single Judge of this Court in the case of *Tara Kumar Pradhan vs. Yuba Kumar Pradhan (I.A. No.1 of 2016 in RFA No.16 of 2016)*. Accordingly, it was considered that the matter was fit to be referred to a larger Bench for giving its opinion on the question as formulated at paragraph 10 of the said order and registry was directed to place the matter before the Chief Justice on administrative side for passing appropriate order.

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Pursuant thereto, the then Hon'ble Chief Justice on the administrative side constituted a Bench comprising of himself with two of us (M.M. Rai, J and B. R. Pradhan, J).

Accordingly, the matter has been placed before this Bench today.

On due consideration, we are of the opinion that when a learned Single Judge had differed with the order of another learned Single Judge, the matter need not be considered by a Bench of 3-Judges.

Taking that view, we hold that it will be appropriate that the matter is considered by a Division Bench.

Learned counsel for the parties submit that the matter be taken up by the Division Bench after the ensuing Winter Vacation.

Accordingly, the Registry is directed to list this case before an appropriate Division Bench on 22.02.2020.

Judge**Judge****Chief Justice**

Index : ~~Yes~~ / No
Internet : Yes / ~~No~~

jk/ds/