

HIGH COURT OF SIKKIM

Record of Proceedings**RSA No.07 of 2020**

DACHIMA TAMANG

APPELLANT

VERSUS

RAN MAYA SHERPA AND ANOTHER

RESPONDENTS

Date: 08.11.2022

CORAM:

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

For Appellant

Mr. N. Rai, Senior Advocate.

Mr. Yozan Rai, Advocate.

For Respondents

R-1

Mr. Zangpo Sherpa, Advocate.

Mr. Dewen Sharma Luitel, Advocate.

R-2

Mr. Sudesh Joshi, Additional Advocate General.

Mr. Yadev Sharma, Government Advocate.

Mr. Sujan Sunwar, Assistant Government Advocate

ORDER

It is submitted by Learned Senior Counsel for the Appellant that one of the witnesses, i.e., the Officer who was to be examined at the relevant time, could not be examined on the date fixed. That, although Summons were reissued to him, he has expressed his inability to be examined on the said date on grounds that he has now been posted in South Sikkim and is pre-occupied with the preparations for the Panchayat Elections which is to take place shortly.

Learned Senior Counsel for the Appellant verbally seeks time for examination of the said witness which is not opposed by Learned Counsel for the other parties.

In the circumstances submitted above, let the concerned witness be examined on a date determined by the Learned Trial Court and the report be filed by the Learned Trial Court on or before 19-12-2022.

The Learned Judicial Officer is expected to inform this Court of the steps taken and forward her finding with regard to the question, i.e., "*Who is the legal heir of Late Ran Maya Sherpa and her Late husband Passang Sherpa, in terms of the provisions of Order XXII Rule 5 of the CPC?*"

List on 20-12-2022.

Judge
08.11.2022