

HIGH COURT OF SIKKIM
Record of Proceedings

RSA No.07 of 2020

DACHIMA TAMANG

APPELLANT

VERSUS

RAN MAYA SHERPA & ANR.

RESPONDENTS

Date: 14.03.2022

CORAM:

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

For Appellant

Mr. N. Rai, Senior Advocate.
Mr. Yozan Rai, Advocate.
Ms. Malati Sharma, Advocate.

For Respondents

R-1

Mr. Zangpo Sherpa, Advocate.
Mr. Jushan Lepcha, Advocate.

R-2

Mr. Thinlay Dorjee Bhutia,
Government Advocate.
Mr. Sujan Sunwar, Assistant
Government Advocate.

O R D E R

I.A. No.04 of 2021 was filed by the Appellant on 19.11.2021 being a Petition under Order XXII Rule 3 of the CPC, 1908 stating that the right to sue did not survive. Instead of filing Response to this I.A., the Respondent No.1 filed I.A. No.05 of 2021 on 03.12.2021 submitting that one Nima Sherpa, resident of Lal Bazaar be arrayed as the nearest heir of the deceased Respondent No.1. To this I.A., Response was filed by the Appellant on 10.03.2022.

In the meanwhile, Response to I.A. No.04 of 2021 was filed by the Respondent No.1 on 11.03.2022 praying that one Kesang Sherpa is the legal heir of the Late Respondent No.1.

In view of the two differing claims raised with regard to legal heirs of the deceased Respondent No.1, Learned Senior Counsel for the Appellant seeks time to file Response to I.A. No.04 of 2021.

Let the matter be fixed for hearing on I.A. No.04 of 2021 and I.A. No.05 of 2021 on 12.05.2022.

In the interim, Response be filed by the Appellant.

Judge
14.03.2022