

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

Tr. P. No.

02

OF

2015

M/s Himalaya Distilleries Ltd.
Majitar Rangpo, East Sikkim.

Plaintiff
Petitioner. *[Signature]*

-VERSUS-

1. The Commandant,
156 Bn. C. R. P. F.,
Kukumari, Dhaligaon,
Bongaigaon, Assam.

2. M/s Dreambox Marketing (A) Pvt. Ltd.,
Through its Managing Director,
Shri Bono Raj Choudhary,
9 Techno Plaza,
Motilal Nehru Road, Panbazar.

Defendants
Respondents. *[Signature]*

PETITIONER
ADVOCATE (S)

FOR ----- Mr. J. K. Chandak and Mr. K. B. Biswakarma.

RESPONDENT
ADVOCATE (S)

FOR ----- Mr. A. K. Upadhyaya, Sr. Advocate with Ms. Binita
Chhetri and Mr. Karma Thinlay Bhutia, Central
Government Counsel.

Case No.

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		TR. P. (C) No. 01/2015 M/s Himalaya Distilleries Ltd. ... Plaintiff Vs. The Commandant, 128 Bn. CRPF & Anr. ... Defendants and TR. P. (C) No. 02/2015 M/s Himalaya Distilleries Ltd. ... Plaintiff Vs. The Commandant, 156 Bn. CRPF & Anr. ... Defendants BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA 01. 05.11.15 Present: Mr. J.K. Chandak, Advocate for the Plaintiff. Mr. K.B. Biswakarma, Constituted Attorney for the Plaintiff, in person. Mr. S.K. Chettri on behalf of Mr. Karma Thinlay, Central Govt. Advocate for Defendant No. 1. Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Binita Chettri, Advocate for Defendant No. 2 ... 1. Heard. 2. This order shall dispose of the above two Transfer Petitions. 3. Two Money Suits (Nos. 13/2012 and 14/2012) were filed before the Court of Civil Judge, East at Gangtok, District-East Sikkim. The valuation of each of them was

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		Rs.5,26,320/-. Later on, by an Order dated 28.04.2014 passed in TR. P. (C) No. 01/2014 by this Court, the above two Civil Suits were transferred to the Court of Civil Judge, Junior Division, North Sikkim at Mangan. 4. There these suits were registered as Civil Suits No. 01/2014 and 02/2014. 5. During the course of hearing of these Suits on 25.09.2015, learned counsel for the parties raised joint objection that the said Court (Civil Judge, Junior Division, North Sikkim at Mangan) was having no pecuniary jurisdiction to entertain the Suits as its pecuniary jurisdiction was up to Rs.5.00 lakhs only. The Civil Judge, in light of the above objection, referred the matters to the District Judge, North District at Mangan, who immediately referred them to the High Court. The matters were taken up on the administrative side. However, when it came to the notice that the above cases were transferred to the Court of Civil Judge, Junior Division, North Sikkim at Mangan by a judicial order, then it was directed that the matters may be placed on the judicial side by registering them as Transfer Petitions. 6. During the course of arguments, learned counsel for all the parties jointly submitted that the above two Civil

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		Suits may be transferred to the Court of District Judge, Special Division-II at Gangtok, because in the present set up no Court of Civil Judge, Senior Division is functional in the State, where the Suits would have been tried in the usual manner. 7. In view of the above joint prayer made by learned counsel for all the parties and further in view of the fact that presently there is no functional Court of Civil Judge, Senior Division in the State, I am of the opinion that there is no impediment in transferring these cases to the Court of District Judge, Special Division-II at Gangtok. 8. With the consent of counsel for all the parties as also the Constituted Attorney of the Plaintiff present in the Court, the above two Money Suits i.e. 01/2014 and 02/2014 are transferred to the Court of District Judge, Special Division-II at Gangtok, East Sikkim for their disposal in accordance with law. 9. The Transfer Petitions stand finally disposed of. 10. A copy of this order be kept in TR. P. (C) No. 02/2015.  Chief Justice 05.11.2015

Index : Yes / No
 pm/jt Internal Yes / No
 SGPG-1/Comp.4 High Court / 500 Nos / 1.10.2015