

HIGH COURT OF SIKKIM
Record of Proceedings**WP(C) No.13 of 2020**

MEENA JHA

PETITIONER

VERSUS

STATE BANK OF INDIA AND OTHERS

RESPONDENTS

Date: 17.04.2023

CORAM :

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

For Petitioner Mr. Abhinav Kant Jha, Advocate.
 Ms. Preeti Basnett, Advocate.

For Respondents

R-1 & R-2 Mr. J.K. Chandak, Advocate.

R-3 to R-5 None present.

R-6 & R-7 Mr. Thinlay Dorjee Bhutia, Government Advocate.

O R D E R

After hearing the parties, it is submitted by Learned Counsel for the Respondent Nos.1 and 2 that although the Counsel for the Petitioner along with the Petitioner's husband and the Counsel for Respondent Nos.1 and 2, had tried to reach a settlement at the Bank, the same could not be arrived due to the conflicting claims of the Petitioner and Respondent Nos.1 and 2.

Learned Counsel for the State-Respondent Nos.6 and 7 submits that there is a legal point that needs a decision with regard to the purchase of property by persons who have Residential Certificates which was not prevalent in the year 2011 when the alleged auction and purchase took place. That, the amendment of any act cannot have retrospective application.

It is the joint submission of Learned Counsel for the Petitioner and Respondent Nos.1 and 2 that they are still making efforts to reach a settlement with regard to the amount paid by the Petitioner to the Respondent Nos.1 and 2 at the time of the successful bid and thereafter. Counsel for the parties submit that they are not averse to a settlement by Mediation.

Considering the submissions, this matter be forwarded to the Mediation Centre, Gangtok.

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It is made clear that the legal question raised by the Learned Counsel for State-Respondent Nos.6 and 7 is left open for decision on merits.

Mr. S.S. Hamal, Senior Advocate, is appointed as Mediator on the consent of all parties.

Let the matter be forwarded to the Mediation Centre, at Gangtok.

Parties shall appear before the Mediation Centre, as and when summoned.

Judge
17.04.2023

ds/sdl