

HIGH COURT OF SIKKIM
Record of proceedings

W.P. (C) No. 22/2018

JIWAN KUMAR PRADHAN

.... PETITIONER

Versus

SHRI. KESHAR KUMAR PRADHAN & Ors.

.... Respondents

Date:27.09.2018

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Petitioner : Mr. Jushan Lepcha, Advocate for the Petitioner.

For Respondents : Ms. Ritu Subba and Mr. Hissey Gyaltsen Bhutia, Advocates.
No. 1 & 2.

For Respondent : Mr. Pem Tshering Lepcha, Legal Aid Counsel.
No.3.

For Respondent : Mr. Sunil Baraily, Advocate.
No. 4 to 7.

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W.P. (C) No. 22/2018

Mr. Sunil Baraily, learned Counsel appears on behalf of Respondent No. 4 to 7 and Mr. Pem Tshering Lepcha, learned legal aid Counsel on behalf of Respondent No.3 submits that the said Respondents do not intend to file a counter-affidavit and support the case of the Petitioner. Counter-affidavit has been filed by Respondent No.2 on 21.08.2018. Learned Counsel for the Respondent No.1 submits that even Respondent No.1 does not seek to file a counter-affidavit and would rely upon the counter-affidavit filed by the Respondent No.2.

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Mr. Jushan Lepcha, learned Counsel for the Petitioner seeks time to file a rejoinder. Two weeks time as prayed for is granted.

List on 14.11.2018.

I.A. No.1/2018

This application seeks stay of the proceedings in the Court of the learned District Judge, Special Division-I till the disposal of the present Writ Petition. Besides the statement that the suit is pending disposal before the learned Trial Court, the said application merely states that the proceedings in the said suit without deciding the present Writ Petition would cause irreparable loss and damages to the Petitioner.

The application makes general submissions with regard to *prima facie* case, balance of convenience and irreparable loss. However, the application brings out no particular facts which would enable this Court to gaze the balance of convenience, irreparable loss and *prima facie* case of the Petitioner.

In view of the aforesaid and the facts that only a rejoinder is to be filed by the Petitioner after which the matter can be heard finally, the application is dismissed.

I.A. No. 02 /2018

This is an application for seeking time to file rejoinder. Allowed.
Application disposed of.

Judge
27.09.2018