

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WP(C) No. 24/2020

BIJAY KUMAR PRADHAN & ORS.

PETITIONER (S)

VERSUS

STATE OF SIKKIM AND ORS.

RESPONDENT (S)

For Petitioners : Mr. Jorgay Namka, Advocate.

For Respondents : Mr. Yadev Sharma, Govt. Advocate.
No. 1 and 2

For Respondent No.2A : Mr. Bhusan Nepal, Advocate.

For Respondents No. : Mr. N. B. Khatiwada, Senior Advocate.
3, 4, 6 to 18 & 20 to 27 Ms. Gita Bista, Advocate.

For Respondent no.5 : None.

Date: 21/08/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.

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It is brought to the notice of this Court by the Counsel representing for respondent No.3, 4, 6 to 18, 20 to 27 that respondent No. 5 has been died.

Learned Counsel for the petitioners has to file an appropriate application for substitution or deletion specifying the fact that cause of issue do not survive against the said respondents along with an affidavit. On filing such application, list this case for consideration.

On perusal of the record, it reveals that the rejoinder has been filed by the petitioners to the counter affidavit filed by respondents no. 4, 6 to 18, 20 to 27. Although, counter affidavit has been filed by the respondents no.3, 4, 6 to 18, 20 to 27.

Counsel for the petitioner contends that this rejoinder may be treated as a rejoinder to the counter affidavit filed by respondents no.3, 4, 6 to 18, 20 to 27.

Accordingly, this rejoinder is taken on record.

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It is seen from the record that as per order dated 26.11.2020, merely by the consent of petitioner and respondent counsel, the name of respondent No. 19 has been struck off on account of his death.

As the order has already been passed by the consent of the parties, however, it is suffice to observe that if any cause of issue survive and the legal heirs of the respondent No. 19 feels any grievance with respect to relief need to be granted in this case affecting them then they are at liberty to come forward afresh.

In view of the aforesaid, on filing an application by the counsel for the petitioner, with respect to respondent No. 5 within four weeks, list this case for further orders on 27.09.2021.

Chief Justice