

**IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION**

WP(C) No. 25 of 2015

Mrs. Devi Maya Chettri,
W/o Late Karna Bahadur Chettri,
R/o Middle Sichey,
Gangtok, East Sikkim.Petitioner

Versus

1. Shri Lal Bahadur Chettri,
S/o Late Purna Bahdur Chettri,
R/o Sichey Busty,
P.O. & P.S. Gangtok,
East Sikkim.
2. Shri Rajendra Chettri,
S/o Late K.B. Chhetri,
R/o Middle Sichey Busty,
P.O. & P.S. Gangtok,
East Sikkim.Respondents.

PETITIONER
ADVOCATE (S)
FOR ----- Mr.B.K.Gupta, Legal Aid Counsel

RESPONDENT
ADVOCATE (S)
FOR -----

Sl. No.	DATE	ORDER (S) WITH SIGNATURE (S)
1	2	3
		BEFORE HON/BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA
01.	20.05.15	Present: Mr. B.K. Gupta, Advocate (Legal Aid Counsel) for the Petitioner. Heard on admission. 2. The Petitioner is plaintiff in Title Suit No. 01/2013 pending in the Court of District Judge, Special Division-II, East Sikkim at Gangtok. She is aggrieved by that part of the order dated 20.04.2015 (Annexure P-2) by which her

Case No.

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		application for impleadment of District Collector, filed under Order I Rule 10 of the Code of Civil Procedure, 1908, has been dismissed by the trial Court. 3. Mr. Gupta, learned counsel appearing on behalf of the Petitioner, submits that during pendency of the Appeal the concerned defendant, by misleading the District Collector, has obtained 'Purcha' of the disputed land and is likely to take advantage of the same in the above title suit. 4. It be noted from the proceedings that the suit is at the stage of recording evidence of defendant's witnesses. The trial Court has observed that the plaintiff would be getting ample opportunity to meet her grievance, while cross-examining the defendant, on the above aspect. 5. I have perused the records filed along with the writ petition. According to the Petitioner, the Collector was misled by the concerned defendant and the 'Purcha' was got issued in his name. In these circumstances, how the Collector, who functioned as a Revenue Authority (Revenue Court) would be a necessary or proper party in the suit. 6. The Petitioner has not raised any allegation of <i>mala fide</i> against the Collector. It appears that the Collector, in discharge of his quasi judicial duty, has allegedly issued the 'Purcha' in the name of the defendant.

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jk		7. On due consideration of the entire facts and circumstances of the case, I do not find the Collector either to be a necessary or a proper party for lawful disposal of the title suit. 8. There is no reason to interfere. The writ petition is liable to be dismissed. It is accordingly dismissed at the motion stage.  Chief Justice 20.05.2015

**IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION**

CM Appl. No. 117 of 2015
(In WP(C) No. 25/2015)

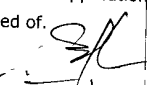
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BEFORE		
HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA		
01.	20.05.15	Present: Mr. B.K. Gupta, Advocate (Legal Aid Counsel) for the Petitioner. In view of the order passed today in main writ petition (W.P.(C) No. 25/2015), this Civil Misc. Application (CMA No. 117/2015) stands finally disposed of.  Chief Justice 20.05.2015

Index : Yes / No
Internet : Yes / No