

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

W. P. (C) No. 38 OF 2016

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

-VERSUS-

1. Mr. Lal Bahadur Chettri,
S/o Late Purna Bahadur Chettri,
R/o Sichey Busty,
P. O. & P. S. Gangtok, East Sikkim.
2. Mr. Rajendra Chhetri,
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.

RESPONDENT
ADVOCATE (S)
FOR -----

Case No.

Serial No.	Date	Order (s) with Signature (s)
1	2	3
01.	09.09.16	W.P. (C) No. 38/2016 Devi Maya Chettri vs. Lall Bahadur Chettri & Anr. BEFORE MR. JUSTICE SATISH K. AGNIHOTRI, ACJ. Present: Mr. B. K. Gupta, Advocate for the Petitioner. ... Questioning the legality and validity of the Order dated 19.08.2016 passed by the District Judge, Special Division-II at Gangtok, Sikkim, the instant petition is filed under Article 227 of the Constitution of India by the plaintiff in Title Suit No. 05 of 2014. As stated by the learned Counsel for the petitioner, the case of the petitioner herein is that the petitioner had filed a Title Suit bearing case No.05 of 2014 against elder brother of her husband and her own son. Before filing of the suit, a Will was executed by her late husband on 09.06.2010, bequeathing a share of his property to the daughters also. The said Will is under consideration for grant of Letter of Administration, in Civil Misc. Case (Succession) No. 84 of 2015 on the file of the District Judge, East Sikkim, at Gangtok. An application was filed in the present Title Suit No. 05 of 2014, to await the decision of the pending above Civil Misc. Case.

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		Mr. B. K. Gupta, learned Counsel for the petitioner, further submits that the decision on the case pending on the file of the District Judge, East Sikkim at Gangtok will have a direct bearing on the Title Suit in question. Thus, the learned District Judge, Special Division-II at Gangtok, wherein the Title Suit is pending, ought to have awaited the decision in the said Civil Misc. Case (Succession) No. 84 of 2015 for grant of Letter of Administration. However, without examining all the facts in proper perspective, the application was rejected. Issue notice, returnable in three weeks. <u>I.A. No. 1 of 2016</u> This is an application, seeking stay of further proceedings in Title Suit No.05 of 2014. Having considered all the facts as set-out herein above, further proceedings in Title Suit No. 05 of 2014 shall remain stayed till the next date of hearing subject to filing of requisites within three days. Call on 17.10.2016.  Acting Chief Justice 09.09.2016
pm/to	Index : Yes / No Internet : Yes / No	