

HIGH COURT OF SIKKIM
Record of Proceedings

WP(C) No.46 of 2025

UNION OF INDIA

PETITIONER

VERSUS

INDU BARAILY AND ANOTHER

RESPONDENTS

Date: 11.12.2025

CORAM:

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

For Petitioners Ms. Sangita Pradhan, Deputy Solicitor General of India.

For Respondents

R-1 Mr. Thinlay Dorjee Bhutia, Advocate.

R-2 Mr. Sajal Sharma, Advocate (Legal Aid Counsel).

ORDER

Heard Learned Counsel for the parties.

The Petitioner in the prayers put forth in the Petition are as follows;

- “
- a) Issue a Writ of Certiorari or any other appropriate Writ, Order or Direction quashing and setting aside the Award dated 02.05.2024 passed by the Learned Judge, Lok Adalat, Namchi, District South Sikkim in (Civil) Case No.51 of 2023;
 - b) Declare the said Award as null and void and unenforceable in law due to lack of valid consent or/and in violation of principles of natural justice;
 - c) Direct to reconsider or revoke the Succession Certificate dated 30.10.2017, issued by the Learned District Judge, South Sikkim at Namchi (in succession case no.41 of 2016), in favour of the Respondent, which was obtained by the Respondent by misrepresentation and by playing fraud with the legal heirs of the deceased Government employee Late Anup Bishwakarma.
 - d) Pass such other or further order(s) as this Hon'ble Court may deem just and proper in the facts and circumstances of the case.
-”

I have perused the Order of the Lok Adalat (DLSA), District Namchi, dated 02-05-2024, whereby it was ordered *inter alia* as follows;

“

It is hereby ordered that the Succession certificated (sic.) dated 30th October, 2017 as issued in the name of the Petitioner be given effect, immediately. Payments due to her be paid immediately in view of the order dated

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30.10.2017, of the Ld. District Judge in Succession case no.41 of 2016.

.....”

This Order is palpably erroneous for the reason that the Lok Adalat has issued Orders as an Appellate forum, this is definitely not the jurisdiction of the Lok Adalat which is to settle matters by way of compromise and not issuance of directions to a Civil Court that too of a District Judge, no less.

Accordingly, the impugned Order dated 02-05-2024 (*supra*) is set aside.

With regard to the remaining prayers Learned Counsel for all parties submit that the matter may be forwarded to the Mediation to enable the parties to explore grounds for an amicable settlement.

In view of the submissions, let this matter be sent to the Mediation Centre, at Gangtok.

The parties have agreed amongst themselves to the appointment of Mr. T. R. Barfungpa, Learned Counsel and trained Mediator, as Mediator in the matter.

The Sikkim State Legal Services Authority shall inform the Mediator accordingly.

Parties shall appear before the Mediation Centre on 19-02-2026 as found convenient by them.

Judge
11.12.2025

ds/sdl