

**HIGH COURT OF SIKKIM**

Record of Proceedings

**WP(Crl.) No.02/2018**

PRIYAM PORWAL SHARMA

...Petitioner.

VERSUS

JOY SHARMA AND OTHERS

... Respondents.

Date: 03/08/2018

CORAM :

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

For Petitioners : Mr. Sudesh Joshi, Advocate

For Respondents : Mr. Rahul Rathi, Advocate

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O R D E R

1. On 24.05.2018 this Court had directed the learned Counsel for the Respondent to furnish correct address as well as phone number of the Respondent to the Registry within a period of ten days and necessary amendments to the Writ Petition may be made thereafter. It has been informed by the Registry that necessary amendments to the Writ petition however, has not been made.
2. Mr. Sudesh Joshi, learned Counsel for the Petitioner submits that he could not do so as the learned Counsel for the Respondent did not furnish the correct address as well as e-mail and phone number to the Petitioner and as such, he was unaware of the fact that the Respondents have done so before the Registry.
3. The direction was clear. Mr. Rahul Rathi, was required to furnish the details before the Registry within a period of ten days. Although, it would have been appropriate for Mr. Rahul Rathi to provide the Petitioner with the details filed with the Registry however, the learned Counsel for the petitioner could have found

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out the details if the same had been enquired from the Registry. Nevertheless, there has been a failure of compliance of the previous order passed by this Court due to inadvertence.

4. The Petitioner may make necessary amendments to the Writ Petition within a period of one week hence.
5. Vide order dated 12.07.2018 the learned Counsel for the Respondent has sought a weeks' time to file counter affidavit however, the same is not available in the records today. Mr. Rahul Rathi submits that the Counter affidavit was ready but due to the defect pointed out by the Registry, the same would not be accepted. When time is granted and that too on the asking of the parties it is expected that order may be complied with sans any defect.
6. Mr. Rahul Rathi submits that the Respondents are based in Delhi and the rectification requires their signatures and as such, the counter affidavit is required to be resent to Delhi. In the circumstances, he prays for ten days time to file the counter affidavit. Time granted.
7. List on 04.09.2018.

In the meanwhile, the Petitioner may file a Rejoinder, if desired.

**Judge**

03-08-2018