

IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Transfer Petition No. 01 of 2005

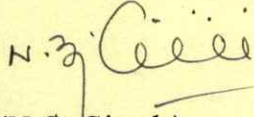
SICPA INDIA LTD. Petitioner / Appellant

Versus

Yakthung Manpower and Security Respondent
(P) Ltd.

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
01.	06.12.05	<p>Heard Mr. B. Sharma, Id. senior counsel assisted by Ms. Navtara Sarda, Id. counsel for the petitioner.</p> <p>This is an application filed by the petitioner under Section 24 read with Section 151 of the Code of Civil Procedure, wherein the present petitioner, defendant in Title Suit No. 10 of 2005, now pending in the Court of the District Judge, South Sikkim at Namchi, contended inter alia, that an ad-interim injunction order dated 30.11.2005 was obtained by the plaintiff without hearing the defendant, petitioner herein, who had engaged very recently Mr. Sharma, Id. senior counsel and Mr. Sharma happened to be the younger brother of the Presiding District Judge, South Sikkim and that being the position he and his juniors are not in a position to appear before the District Judge, South at Namchi and to conduct the case for the defendant, petitioner herein. In view of the above position, the petitioner sought for transfer of this case from the file of the District Judge, South at Namchi to any other competent Court.</p> <p>Considering the nature of the case, I am of the view that this is a fit case for transfer of the related case from the file of the District Judge,</p>	

South at Namchi to another competent Court. Accordingly, the case being Title Suit No. 10 of

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	JK	<p>2005 of the Court of District Judge, South at Namchi is hereby transferred to the file of the Court of District Judge, East and North at Gangtok for disposal of the same expeditiously according to the law.</p> <p>For the reasons, observations and discussions made above, this Transfer Petition is hereby finally disposed of. The Registry is directed to communicate this order to the District Judge, South at Namchi as well as District Judge, East and North at Gangtok immediately.</p> <p>It is made clear that the parties shall appear before the District Judge, East and North at Gangtok on 09.12.2005 at 10.30 AM.</p> <p style="text-align: center;">  (N.S. Singh) Chief Justice (Acting) </p>	<p>A Copy of order forwarded to DJudges E & N and SJW on 7-12-05. <i>h. singh</i> 7/12/05</p>