

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

RSA No. 04/2025

AMBIKA PRADHAN AND ANR.

APPELLANT (S)

VERSUS

PURNA KUMAR PRADHAN @ P.K.
PRADHAN AND ORS.

RESPONDENT (S)

For Appellants : None.

For Respondents : Mr. S.S. Hamal, Senior Advocate with Ms. Sabina
No. 1, 2 and 8 Chettri, Mr. Pradeep Sharma, Ms. Ram Devi Chettri,
Mr. Sushil K. Rai, Advocates.

For Respondents : Mr. Sujan Sunwar and Ms. Pema Bhutia,
No. 3 to 7 Assistant Government Advocates.

Date: 08/12/2025

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

...

J U D G M E N T

On 01st December, 2025, this Court has passed the following order:-

"Learned counsel who is representing the appellants as the legal Aid counsel wishes to retire from the matter. He submits that he has already informed the Sikkim State Legal Services Authority in this regard.

In such circumstances, let this matter stand adjourned till 08th December, 2025. This Court makes it clear that no further adjournment shall be granted to the appellants on the next date."

The appellants remain unrepresented. This Court is therefore left with no option but to consider the matter on its merit.

This second appeal has been preferred by the two plaintiffs in respect of a judgment and decree dated 21st May, 2025, passed by the learned District Judge, Special Division-I, Sikkim at Gangtok in Title Appeal No.04 of 2023 (*Ambika Pradhan and another vs. Mr. Purna Kumar Pradhan alias P.K Pradhan and others*). By the impugned judgment, the learned Appellate Court has been pleased to dismiss the title appeal while observing *inter alia* as follows:-

".....
The Appellants have claimed right, interest and recovery of possession of the suit properties registered in favour of the Health & Family Welfare Department, Government of Sikkim without making, the Health &

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Family Welfare Department, Government of Sikkim as party to this suit. Therefore, the suit of the Appellants is not maintainable.

53. The Appellants are not entitled to the reliefs as prayed for by them over the suit properties, except for Plot No.361 measuring 1.08 acres located at Lungchok, Salangdang, Sikkim and Plot No.829 measuring 0.0990 located at Lungchok Block, Daramdin Circle, District Soreng, Sikkim.

54. On the thorough scrutiny and discussion about the impugned Judgment, I find, there is no infirmity or illegality in the same. I therefore, uphold the impugned judgment passed by the Learned Trial Court in Title Suit No.07 of 2020 (*Ambika Pradhan and another -versus- Purna Kumar Pradhan and others*).

55. I leave the parties to bear their own costs.

56. A Decree may be drawn accordingly.

57. Ld. Trial Court records along with a certified copy of this Judgment and Decree may be returned to the Court of Learned Civil Judge (Senior Division), Gangtok, Sikkim forthwith.

Pronounced in open Court.

Title Appeal No.04 of 2023 (*Ambika Pradhan and another -versus- Mr. Purna Kumar Pradhan alias P.K. Pradhan and Others*) stands disposed of."

The appellants have framed questions of law which are enumerated in paragraph 3 of the pleadings filed before this Court. According to the appellants, these are substantial questions of law. Upon perusing the same, this Court is of the view that none of the questions can be construed as substantial questions of law. Rather, it is an endeavour on the part of the plaintiffs (being the appellants herein), to somehow persuade the Court to revisit the entire matter *de novo* even while this Court exercises an extremely limited jurisdiction in a second appeal. This is impermissible and for reasons stated above, this Court has no hesitation to dismiss the instant second appeal.

(Biswanath Somadder)
Chief Justice