

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

CRP No. 02/2024

AMBIKA PRADHAN AND ANR.

PETITIONER (S)

VERSUS

PURNA KUMAR PRADHAN AND ORS.

RESPONDENT (S)

For Petitioners : Mr. Jorgay Namka, Senior Advocate with Ms. Phu Doma Bhutia, Legal Aid Counsel.

For Respondent Nos. 1, 2 and 8 : Mr. S.S. Hamal, Senior Advocate with Ms. Sabina Chettri, Mr. Leada T. Bhutia, Mr. Pradeep Sharma and Mr. Anirudh Gupta, Advocates.

For Respondent Nos. 3 to 7 : Mr. Sujan Sunwar, Assistant Government Advocate.

Date: 15/05/2024**CORAM:**

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE

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J U D G M E N T

This is an application under section 115 of the Code of Civil Procedure, 1908, (for short, 'CPC, 1908') taken out by the petitioners against an order dated 20th February, 2024, passed by the learned Principal District Judge, Gangtok, in Title Appeal No.04/2023.

By the order impugned, the learned Principal District Judge proceeded to dismiss the application filed by the appellants (being the petitioners herein) under Order 41 Rule 25 read with section 107 of the CPC, 1908, for framing additional issue and also under Order 41 Rule 27 read with section 107 of the CPC, 1908, for adducing additional evidence.

After having perused the impugned order in detail, (which is not reproduced herein only in order to avoid prolixity), this Court is of the view that the same is supported with cogent and justifiable reasons and as such, does not warrant any revision by this Court since neither of the provisions of sub-section (a), (b) and (c) of section 115 (1) of the CPC, 1908, are attracted in the facts of

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the instant case, under any circumstances. Needless to mention, this Court is aware of the power of revision as provided under section 115 of the CPC, 1908, and its inherent limitation to interfere with cogent and justifiable orders passed by the learned Courts below.

The instant application seeking civil revision filed by the petitioners is, therefore, liable to be dismissed and stands accordingly dismissed.

(Biswanath Somadder)
Chief Justice

jk/ami