

HIGH COURT OF SIKKIM**Record of Proceedings****Tr.P.(C) No.01 of 2025**

KARMAPA CHARITABLE TRUST AND OTHERS

PETITIONERS

VERSUS

STATE OF SIKKIM AND OTHERS

RESPONDENTS

Date: 28.04.2025

CORAM:

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

For Petitioners Mr. K. K. Rai, Senior Advocate (*through VC*).
 Mr. B. Sharma, Senior Advocate.
 Mr. Norden Tshering Bhutia, Advocate.
 Mr. Sajal Sharma, Advocate.

For Respondents

R-1 & R-2 Mr. Thinlay Dorjee Bhutia, Government Advocate.

R-3 Mr. Anmole Prasad, Senior Advocate.
 Mr. N. Rai, Senior Advocate.
 Ms. Yangchen D. Gyatso, Advocate.
 Mr. Sagar Chettri, Advocate.
 Mr. Pradeep Tamang, Advocate.

ORDER (ORAL)

- 1.** Heard Learned Counsel for the parties.
- 2.** It is submitted by Learned Senior Counsel for the Petitioners that the matter was before the Court of the Learned District Judge, Namchi District, Sikkim. Vide Order dated 11-12-2024, the Learned District Judge forwarded the File to the High Court expressing his inability to hear the matter as the Learned Counsel for the opposing parties objected to it, on grounds that, the Learned District Judge was a Chambers Junior to the Learned Senior Counsel for the Petitioners. Consequently, the matter was taken up by the High Court on the administrative side and transferred to the Court of the Learned District Judge, Mangan District, Sikkim. Vide Order dated 11-03-2025, in Title Suit Case No.01 of 2025 (*Karmapa Charitable Trust and Others vs. State of Sikkim and Others*), the Learned District Judge, Mangan District, Sikkim, recorded that the Title Suit No.01 of 2017 (*Karmapa Charitable Trust and Others vs. State of Sikkim and Others*) has been transferred to her Court from that of the Learned District Judge, Namchi District, Sikkim, vide Office Order No.437/Judl./HCS, dated 01-03-2025.

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3. Today, Learned Senior Counsel submits that as Mangan District has no jurisdiction to hear the matter as the territorial jurisdiction of the properties is covered by Gangtok District, the matter may be transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

4. Learned Senior Counsel for the Respondent No.3 submits that the dates have already been fixed by the Learned District Judge, Mangan District, and in fact the matter would be disposed of early in view of the low pendency of the cases in the said Court. However, he has no objection to the matter being transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

5. After hearing Learned Counsel for the parties, it emerges that both parties are in agreement that the matter may be transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

6. In view of the submissions and the agreement arrived at between the parties, Title Suit Case No.01 of 2025 (*Karmapa Charitable Trust and Others vs. State of Sikkim and Others*) stands transferred to the Court of the Learned Principal District Judge, Gangtok, Sikkim.

7. Transfer Petition stands disposed of accordingly.

8. Pending applications, if any, also stands disposed of.

9. Copy of this Order be forwarded to the Court of the Learned Principal District Judge, Gangtok, Sikkim and Learned District Judge, Mangan, Sikkim.

Judge
28.04.2025