

THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Jurisdiction)

DATED : 18th MAY, 2023

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

Tr.P.(C) No. 02 of 2023

Petitioners : Mrs. Indra Kumari Chettri and Others

versus

Respondents : District Collector (CALA),
Namchi, Sikkim and Others

Transfer Petition under Sections 22, 23 and 24 of the
Code of Civil Procedure, 1908.

Appearance

Mr. Jorgay Namka, Senior Advocate with Mr. Simeon Subba,
Advocate for the Petitioners.

Dr. Doma T. Bhutia, Additional Advocate General with Mr. Yadev
Sharma, Government Advocate for the State-Respondent Nos.1 and
3.

Ms. Sangita Pradhan, Deputy Solicitor General of India for the
Respondent No.2.

ORDER (ORAL)

Meenakshi Madan Rai, J.

1. The Petitioners seek transfer of Civil Appeal No.02 of
2022, from the Learned Commercial Court, at Gangtok, to the
Learned Commercial Court, at Namchi.

2. Learned Senior Counsel for the Petitioners submits
that, a similar matter was pending before the Court of the Learned
Judge, Commercial Court, at Namchi. The instant matter arises
from the same Award of the Learned Arbitrator. That, now the
Learned Commercial Court, at Namchi, has disposed of the matter
pending before it, however in the interest of justice and to avoid
contradictory findings in different Courts on the same issue, the
transfer is being sought.

- 3.** Learned Additional Advocate General for the State-Respondent Nos.1 and 3 and Learned Deputy Solicitor General of India for the Respondent No.2 have no objection to the Transfer Petition.
- 4.** In consideration of the grounds put forth, Transfer of Civil Appeal No.02 of 2022, as sought, is permitted, from the Court of the Learned Principal District Judge (Commercial Court), at Gangtok, to the Court of the Learned Judge, Commercial Court, at Namchi.
- 5.** Transfer Petition stands disposed of accordingly.
- 6.** Copy of this Order be transmitted to the Court of the Learned Principal District Judge (Commercial Court), at Gangtok, and to the Court of the Learned Judge, Commercial Court, at Namchi, for information and compliance.

(Meenakshi Madan Rai)
Judge

18-05-2023

Approved for reporting : **Yes**