

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

Com. A. No. 03/2025

UJJWAL RAI (CHAMLING)

APPELLANT (S)

VERSUS

PAWAN KUMAR PRADHAN

RESPONDENT (S)

For Appellant : Mr. Sunil Baraily, Mr. Leada T. Bhutia and Mr. Amit Rai, Advocates.

For Respondent : None.

Date: 19/03/2025

CORAM:

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

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ORDER : (per the Hon'ble, the Chief Justice)

This Commercial Appeal arises in respect of a judgment and order dated 18th December, 2024, passed by the learned Commercial Court at Gangtok. Perusing the cause-title of the plaint, we notice that Pawan Kumar Pradhan (the sole defendant herein) was the plaintiff, whereas, Ujjwal Rai (Chamling) (being the appellant herein) was the defendant no. 1 and one Thupden Tashi Lepcha being the defendant no. 2.

In the present appeal, Ujjwal Rai (Chamling), the appellant, has not included Thupden Tashi Lepcha in the array of parties.

As such, on the ground of mis-joinder / non-joinder of parties alone, this appeal is liable to be dismissed. However, purely in the interest of justice, we grant liberty to the appellant to withdraw the appeal and file afresh after introducing the required amendments.

The appeal is accordingly dismissed.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice