

HIGH COURT OF SIKKIM

Record of Proceedings

WP(C) No.64 of 2025

CHANDU SHERPA AND OTHERS

PETITIONER(S)

VERSUS

RAJU RAI AND ANOTHER

RESPONDENT(S)

DATE : **03-12-2025**

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

For Petitioner(s)

Mr. Dewen Sharma Luitel and Mr. Bhaichung Bhutia,
Advocates.

For Respondent(s)

R-1

Mr. N. Rai, Senior Advocate with Ms. Tara Devi Chettri,
Advocate.

R-2

Mr. Thinlay Dorjee Bhutia, Government Advocate.

ORDER

Mr. N. Rai, Learned Senior Counsel assisted by Ms. Tara Devi Chettri, Advocate enter appearance on behalf of the Respondent No.1.

It is submitted by Learned Counsel for the Petitioners that although a separate IA has not been filed, however the proceedings before the Learned Trial Court which is listed on 10-12-2025 be stayed until further orders of this Court, as examining further witnesses of the Defendants would be prejudicial to the Petitioners' case.

Learned Senior Counsel for the Respondent No.1 submits that the Learned Trial Judge had given the Petitioners sufficient opportunity to take steps with regard to the cross-examination of DW-1 but they failed to do so and the proceedings ought to be allowed to be continued.

Having given due consideration to the submissions, I find that the Petitioners were not permitted to cross-examine DW-1 as on that day it appears that Mrs. Laxmi Chakraborty who was appearing as the lead Counsel for the Plaintiffs resigned from the matter, leaving the Counsel Mr. Bhaichung Bhutia who was present in the Court in a quandary as to whether he should continue with the matter in the absence of specific instructions from the Plaintiffs directing him to continue appearing in the matter despite the resignation of the Senior Counsel.

I am of the considered view that in the interest of justice, the proceedings before the Learned Civil Judge, Gangtok, Sikkim, in Title Suit No.11 of 2017 (*Chandu Sherpa and Others vs. Raju Rai and Another*) fixed on 10-12-2025 ought to be stayed and it is ordered accordingly.

Let Counter-Affidavit be filed by the Respondents within four weeks.

Rejoinder thereto, two weeks thereafter.

List on 16-03-2026.

Judge
03-12-2025