



IN THE HIGH COURT OF SIKKIM

ORDER SHEET

Regular Second AppealNo. 1 of 199 2003

I.C.A.R. ComplexPetitioner/Appellant

H.C.Kiran & Others

.....Respondent

| Serial No. of Order | Date of Order | Order with Signature | Office Note as to action (if any) taken on Order |
|---------------------|---------------|--|--|
| 1. | 7.3.2003 | <p>Present : Mr. S. R. Sarkar with Miss Tshering Choden, Advocates for the appellant.</p> <p>---</p> <p>Heard the learned Counsel for the appellant on admission.</p> <p>This second appeal arises from the judgment and decree of the learned District Judge (South & West) dated 28.9.2002 reversing the judgment of the learned Civil Judge, East Sikkim and dismissing the suit brought by the plaintiff-appellant. Main relief claimed by the plaintiff in the suit was with respect to possession over the disputed land. Admittedly, plaintiff is the owner of plot No.104A. Learned District Judge dismissed the suit on the ground that the plaintiff failed to prove that the disputed land falls part of plot No.104A. Learned Counsel for the appellant submits that there was no issue on the point whether the disputed land did not form part of 104 A. In our view, the question whether the disputed land forms part of 104A is covered by Issue No.10 which states : "Whether plot No.104A falls outside the plaintiff's compound and is in the possession of the Health and Family Welfare Department ?" In our view, no substantial question of law arises in this appeal. The appeal is dismissed in limine.</p> <p>C.M.A.21/2003</p> <p>In view of the order passed today in RSA No.1 of 2003, this Misc.Application No.21/2003 has become</p> | |

infructuous and is accordingly dismissed.

(N. Surjamani Singh)
Judge
7.3.2003

(R. Dayal)
Chief Justice
7.3.2003