

THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Appellate Jurisdiction)

DATED : 19th FEBRUARY, 2018

SINGLE BENCH : THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI, CHIEF JUSTICE

F.A.O. No. 01 of 2018

with

I.A. No. 01 of 2018

Appellant : Himalaya Distilleries Limited,
A company registered under the
Sikkim Companies Act, 1961
having its registered office at
Majitar, Rangpo,
East Sikkim.

versus

Respondents : 1. Ms. Urmila Pradhan,
Wife of Late Khagendra Raj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

2. Kishore Raj Pradhan,
Son of Late Khagendra Raj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

3. Shri Swarup Raj Pradhan,
Son of Late Chetraj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

4. Shri Alok Raj Pradhan
Son of Late Bhimraj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

5. Shri Bhaskar Raj Pradhan
Son of Late Bhimraj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

6. Smt. Bindu Mati Pradhan
Wife of Late Bhimraj Pradhan,
resident of Kashi Raj Pradhan Marg,
P.O. - Gangtok, East Sikkim.

Application under Section 482 of the Code of
Criminal Procedure, 1973

Appearance

Mr. Passang Tshering Bhutia, Advocate for the Appellant.

Mr. T.B. Thapa, Senior Advocate with Ms. Tangchen Doma Gyatso and Mr. Ranjan Chettri, Advocates for Respondent No. 4.

Mr. Tashi Raptan Barfungpa, Advocate for Respondent No. 5 & 6.

O R D E R (ORAL)

Satish K. Agnihotri, C.J.

IA No. 01/2018

This is an application, seeking permission of the Court to withdraw the appeal.

Learned Counsel appearing for the appellant, submits that the appellant has approached the trial Court for interim relief, which stands accepted in terms of the order passed by the learned District Judge, East Sikkim at Gangtok and thus, nothing survives at this stage. Thus, the appellant be permitted to withdraw the appeal and to pursue the remedy before the trial Court.

Learned Counsel appearing for the respondents have no objection.

The application is ordered. The appeal is dismissed as withdrawn.

(Satish K. Agnihotri)
Chief Justice

19-02-2018

Approved for reporting : **Yes**
Internet : **Yes**