



HIGH COURT OF SIKKIM  
Record of Proceedings

**Suo Motu Transfer Petition (Civil) No. 03/2019**

NARESH SUBBA & ANR.

PETITIONER (S)

VERSUS

M/S BALCHAND UDAIRAM & ANR.

RESPONDENT (S)

**Date: 27/05/2019**

**CORAM:**

**HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.**

....

Learned District Judge, East Sikkim at Gangtok, has sent a communication to the Registrar General, High Court of Sikkim, annexing a copy of the Order passed by him on 08.05.2019 in Eviction Suit No.09 of 2015 (*Mr. Naresh Subba and Another vs. M/s Balchand Udairam and Another*), in which he has stated that since one of the witnesses of the plaintiffs is his brother-in-law, it would not be appropriate for him to take up the matter and has hence referred the matter to this Court for transfer.

**2.** Ground shown by the District Judge appears to be correct.

**3.** Since the matter is referred by the learned District Judge, I do not think it is necessary to send notice to the parties.

**4.** Considering the fact that the matter cannot be heard by the learned District Judge, East Sikkim at Gangtok, Eviction Suit No.09 of 2015 (*Mr. Naresh Subba and Another vs. M/s Balchand Udairam and*



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*Another*) is hereby transferred from the Court of District Judge, East at Gangtok to the Court of District & Sessions Judge (Special Division-II) at Gangtok.

**5.** Copy of this Order be sent to the Court of District Judge, East Sikkim at Gangtok, as well as to the Court of District & Sessions Judge (Special Division-II) at Gangtok, forthwith.

**6.** This Suo Motu Transfer Petition is, accordingly, disposed of.

**Chief Justice**  
27.05.2019

jk/bp  
Index : ~~Yes~~ / No  
Internet : Yes / ~~No~~