



Suo Motu Transfer Petition (Civil) No. 08/2019

SHRI DEEPAK KUMAR RAI

VERSUS

SMT. NAINA KALA SHARMA & ORS.

Date: 17/07/2019

CORAM:

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

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Learned District & Sessions Judge, South Sikkim at Namchi, has sent a letter bearing Memo No. 113/D&SJ/(S) dated 08.07.2019, addressed to the Registrar General High Court of Sikkim, wherein he has forwarded certified copies of the order dated 04.07.2019, passed by the learned Civil Judge, South Sikkim at Namchi and order dated 06.07.2019 passed by him in *Title Suit No. 05 of 2019: Shri Deepak Kumar Rai vs. Smt. Naina Kala Sharma & Ors.*, expressing the difficulties of the learned Civil Judge to proceed with the matter.

2. The learned Civil Judge in her Order has stated that she was involved in the Title Suit at the stage of giving legal advice and also in drafting of the divorce petition of the defendant no.1. Therefore, it would be improper for her to be involved in the Title Suit and recused from the case.



3. I have considered the order passed by the learned Civil Judge, South Sikkim at Namchi in Title Suit No. *05 of 2019*. The grounds shown by her are sufficient to transfer the case from her Court.

4. Consequently, *Title Suit No. 05 of 2019 : Shri Deepak Kumar Rai vs. Smt. Naina Kala Sharma & Ors.*, is hereby transferred from the Court of Civil Judge, South Sikkim at Namchi to the Court of Civil Judge, West Sikkim at Gyalshing.

5. Copy of this Order be sent to the Court of the learned District & Sessions Judge, South Sikkim at Namchi, forthwith.

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

Chief Justice
17.07.2019

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