

HIGH COURT OF SIKKIM

Record of proceedings

R.F.A. No. 12/2017

KARMA LODAY BHUTIA

.... APPELLANT

VERSUS

BIR BAHADUR RAI @ B.B. RAI

.... RESPONDENTS

Date:08.05.2019

CORAM

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Appellant : Mr. A. K. Upadhayaya, Senior Advocate with Mr. Sonam Rinchen Lepcha, Advocate.

For Respondent : Mr. N. Rai, Senior Advocate with Mr. Sunil Baraily, Advocate.

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I.A. No.1/2019

By an Order dated 23.11.2018 the Appellant was directed to deposit either the decretal amount or provide security within a period of two months, as mandated by Order XL1 Rule 1 sub-rule (3) of the Code of Civil Procedure, 1908. The Appellant however, filed the present application stating that due to his poor financial condition he was not in a position to deposit the decretal amount and instead annexed an unregistered document titled "security bond" signed by the Appellant. Mr. N. Rai, learned Senior Advocate representing the Respondent desired to contest the said application. Accordingly a reply dated 12.04.2019 was filed. The matter was listed for hearing today.

Mr. A. K. Upadhayaya, learned Senior Advocate representing the Appellant who is also personally present in the Court, at the outset, submits that he is willing to deposit an amount of Rs.3 lakhs

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as security in the present Appeal. The deposit of the said amount of Rs.3 lakhs would provide adequate security.

In view of the undertaking the Order dated 23.11.2018 is modified to the said extent. The Appellant shall deposit an amount of Rs. 3 lakhs with the Registrar General of this Court on or before 15.05.2019 which amount, if deposited, shall be kept in a fixed deposit. The application is disposed of accordingly.

Judge
08.05.2019

to/ **Index: yes/No**
Internet: yes/No