

**HIGH COURT OF SIKKIM**  
Record of Proceedings

**Suo Motu Transfer Petition (Civil) No. 05 of 2019**

TSEWANG DORJEE RINZING PETITIONER (S)

VERSUS

SHRI UWENDRA THAPA @ NORDY & ORS. RESPONDENT (S)

**Date: 04/06/2019**

**CORAM :**

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

...

Learned District Judge, South Sikkim at Namchi, has sent a letter bearing reference no. 32/D&SJ/(S) dated 21.05.2019, with a copy of Order passed by him on 21.05.2019, in Title Suit No. 04 of 2018 (*Tsewang Dorjee Rinzing vs. Uwendra Thapa @ Nordy & Ors.*), expressing his difficulty to proceed with the matter.

2. Order passed by the learned District Judge on 21.05.2019, is as follows;

"21.05.2019

.....

On perusal of the document dated 23.09.2008, it is seen that the said document was issued by me (*when I was a practicing Advocate and an empaneled (sic) Counsel for Union Bank of India*) to the Manager, Union Bank of India, Jorethang Branch (*i.e. the Defendant No.3*) vide Ref. No. 369/SR/JKK dated 23.09.2008 pertaining to the search report in respect of land bearing Plot No. 31, vide Khatiyon No. 104, measuring total area 0.0360 hectares, situated at Jorethang Block, South Sikkim standing in the name of Uwendra

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Kamal Thapa, son of Nir Kamal Thapa, resident of Jorethang, South Sikkim (*i.e. the Defendant No.1*).

Since the Defendant No.3 is relying upon the aforesaid document dated 23.09.2008 in support of its case, it would not be proper on my part to take up the instant suit. Accordingly, the matter is brought to the notice of the Hon'ble High Court of Sikkim, at Gangtok for kind information and appropriate order(s) as deemed fit.

.....”

3. I have considered the order passed by the learned District Judge in Title Suit No. 04 of 2018 (*Tsewang Dorjee Rinzing vs. Uwendra Thapa @ Nordy & Ors.*). Considering the fact that the District Judge was an empanelled counsel for Union Bank of India (respondent no.3 herein) and had issued a Certificate, I am of the view that the reason given by the District Judge for transfer of the case appears to be correct.

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

5. Consequently, Title Suit No. 04 of 2018 (*Tsewang Dorjee Rinzing vs. Uwendra Thapa @ Nordy & Ors.*) is hereby transferred from the Court of District Judge, South Sikkim at Namchi to the Court of District Judge, West Sikkim at Gyalshing.

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6. Copy of this Order be sent to the Courts of District Judge, South Sikkim at Namchi and District Judge, West Sikkim at Gyalshing.

7. This Suo Motu Transfer Petition stands disposed of, accordingly.

**Chief Justice**  
04.06.2019

Index : ~~Yes~~ / No  
Internet : Yes / ~~No~~

jk/bp