

**HIGH COURT OF SIKKIM**  
**Record of Proceedings**

**Suo Motu Transfer Petition (Civil) No. 06 of 2019**

KARMAPA CHARITABLE TRUST & OTHERS PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS. RESPONDENT (S)

**Date: 04/06/2019**

**CORAM :**

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

...

Learned District Judge, Special Division-I, Sikkim at Gangtok, has sent a letter bearing reference no. 52/D&SC/SD-I dated 15.05.2019, with a copy of Order passed by him on 10.05.2019, in Title Suit No. 01 of 2017 (*Karmapa Charitable Trust & Ors., vs. State of Sikkim and Ors.*), expressing his difficulty to proceed with the matter.

2. Order passed by the learned District Judge on 10.05.2019, is as follows;

“10.05.2019

.....  
As I am Buddhist and belong to Karma Kagyu sect and a staunch devotee of His holiness the Dalai Lama and after he recognized Orgyen Thinlay Dorje as the reincarnation of the H.H. Gyalwa Karmapa the XVI my belief and faith in H.H. Orgyen Thinlay Dorje grew all the more stronger. As H.H. Orgyen Thinlay Dorje is our religious head after he was recognized by H.H. Dalai Lama our family including myself is worshipping H.H. Ugyen Trinley Dorje as deity

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since he was recognized as XVII Gyalwa Karmapa in the year 1994 by H.H. the Dalai Lama.

.....

I am aware of the fact that it is the duty of a Judge to hear every matter placed before him without fear or favour. However, not revealing my firm belief and long association with one of the party which touches the subject matter of the case as discussed above may amount to judicial misconduct in the facts and circumstances of the case. Hence, I believe that as I have a personal interest in the case, and in such a situation, it will not be prudent on my part to hear this case.

.....”

3. I have considered the order passed by the learned District Judge in Title Suit No. 01 of 2017 (*Karmapa Charitable Trust & Ors. vs. State of Sikkim and Ors.*). Considering the fact that the District Judge has a close and long association with one of the party, I am of the view that the reason given by him 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. 01 of 2017 (*Karmapa Charitable Trust & Ors. vs. State of Sikkim and Ors.*) is hereby transferred from the Court of District Judge, Special Division-I, Sikkim at Gangtok to the Court of District Judge, East Sikkim at Gangtok.

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6. Copy of this Order be sent to the Courts of District Judge, Special Division-I, Sikkim at Gangtok and District Judge, East Sikkim at Gangtok.

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

**Chief Justice**  
04.06.2019

Index : Yes / No  
Internet : Yes / No

jk/bp