

HIGH COURT OF SIKKIM
Record of Proceedings

Suo Motu Transfer Petition (Civil) No. 07/2019

SONAM PALZOR LACHUNGPA	PETITIONER (S)
VERSUS	
MAMTA SINGH CINTURY	RESPONDENT (S)

Date: 04/06/2019

CORAM:

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

....

Learned Judge, Family Court, East Sikkim at Gangtok, has sent a letter bearing Memo No. 51/D&SC/SD-I dated 15.05.2019 by forwarding a certified copy of the Order dated 09.05.2019, passed by him in *F.C. (Civil) Case No. 111 of 2017 (Sonam Palzor Lachungpa vs. Mamta Singh Cintury)*, expressing his difficulty to proceed with the matter.

2. Order passed by the learned Judge, Family Court, East Sikkim, on 09.05.2019 in *F.C. (Civil) Case No. 111 of 2017*, is as follows:

"09.05.2019

.....
The Respondent submits that I have prepared a reply to the legal notice of the Respondent on behalf of the State Women Commission, Gangtok as well as one complaint made to the State Women Commission on behalf of the Petitioner with respect to the subject matter involved in this case which is already marked as Exhibit 18 (coll) and is a part of record in this case.

Ld. Counsel Ms. Laxmi Chakraborty one of the *Amicus Curiae* further submits that her client has serious reservation if the case is heard by me.

Perused the case record and found that Exhibit 18 (coll) marked is the reply and representation drafted by me on behalf of the Petitioner.

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In view of the above submissions, and facts and circumstances of the case, it would not be prudent on my part to proceed with the matter. Accordingly, the matter is brought to the kind notice of the Hon'ble High Court of Sikkim for passing necessary directions/orders as may deemed fit and proper in the interest of justice."

3. I have considered the order passed by the learned Judge in *F.C. (Civil) Case No. 111 of 2017* and the ground shown by the Judge, Family Court appears to be correct.

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

5. Considering the fact that the matter cannot be heard by the learned Judge, Family Court, East Sikkim at Gangtok, *F.C. (Civil) Case No. 111 of 2017 (Sonam Palzor Lachungpa vs. Mamta Singh Cintury)*, is hereby transferred from the Court of Judge, Family Court, East Sikkim at Gangtok to the Court of Judge, Family Court, South Sikkim at Namchi.

6. Copy of this Order be sent to the Court of the Judge, Family Court, East Sikkim at Gangtok, as well as to the Court of the Judge, Family Court, South Sikkim at Namchi, forthwith.

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

Chief Justice

04.06.2019

Index : Yes / No
Internet : Yes / No

jk/bp