

Karmapa Charitable Trust And Ors vs State Of Sikkim And Ors on 29 May, 2026

Author: Meenakshi Madan Rai

Bench: Meenakshi Madan Rai

THE HIGH COURT OF SIKKIM : GANGTOK
(Civil Extraordinary Jurisdiction)

SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

WP(C) No.25 of 2026
Petitioners : Karmapa Charitable Trust and Others

versus

Respondents : State of Sikkim and Others

Petition under Article 227 of the Constitution of India

Appearance

Mr. K. K. Rai, Senior Advocate and Mr. B. Sharma, Senior Advocate
with Mr. S. K. Pandey and Mr. Norden Tshering Bhutia, Advocates for
the Petitioners.

Mr. S. K. Chettri, Government Advocate for the State-Respondents
No.1 and 2.

Mr. Anmole Prasad, Senior Advocate and Mr. N. Rai, Senior Advocate
with Mr. Sagar Chettri and Ms. Yangchen D. Gyatso, Advocates for
the Respondent No.3.

Date of Hearing : 29-05-2026
Date of Order : 29-05-2026
Date of Uploading : 29-05-2026

ORDER (ORAL)

Meenakshi Madan Rai, J.

1. The Petitioners are impugning the Order of the Court of the Learned Principal District Judge, Gangtok, Sikkim, in Title Suit No.05 of 2025 (The Karmapa Charitable Trust and Others vs. The State of Sikkim and Others), dated 29-04-2026, whereby on a Petition filed by the Petitioners herein, under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter, the "CPC"), seeking impleadment of the Local Commissioner Shri Jigme Tshering Bhutia as a Respondent, in the application dated 10-04-2025, filed under Order XXXIX Rule 2A read with Section 151 of the CPC, the Trial Court observed and ordered inter alia that, the Local Commissioner is neither a necessary party nor a Karmapa Charitable Trust and Others vs. State of Sikkim and Others 2 proper party to the proceedings. Consequently, the Court found no

jurisdictional basis to implead him. The Petitioners are thus aggrieved.

2. Learned Senior Counsel for the Petitioners submits that, the impleadment of the Local Commissioner is necessary, in order to enable the Court to arrive at a correct finding and for proper and complete adjudication of the matter. However, he is also not averse to modifying his prayer and does modify it, to make the Local Commissioner a witness to the Petition under Order XXXIX Rule 2A read with Section 151 of the CPC, instead of impleading him as a Respondent therein.

3. Learned Senior Counsel, Mr. Anmole Prasad, while seriously objecting to the prayers advanced, contended that the Local Commissioner should not be dragged into a quasi-criminal proceeding, under Order XXXIX Rule 2A read with Section 151 of the CPC, apart from which, if the Petitioners do not seek to implead the Local Commissioner as a Respondent and are willing to confine their prayers to examining the Local Commissioner as a witness to the Petition Order XXXIX Rule 2A read with Section 151 of the CPC, then, they could well have, if so desired, made him a witness and continued the proceedings before the Learned Trial Court, instead of approaching this Court.

4. I have given due consideration to the submissions put forth by Learned Counsel for the parties, perused the impugned Order and all pleadings and documents on record.

5. In my considered view, all that the Petitioners seek is, to elicit information from the Local Commissioner with regard to the repairs carried out by him in the disputed area, over the course of a decade to enable complete adjudication of the matter. In my Karmapa Charitable Trust and Others vs. State of Sikkim and Others 3 considered view, there appear to be no negative connotations to the prayer made. Since, the repairs evidently have been carried out under the watch of the Local Commissioner, I am inclined to allow the modified prayer of the Petitioners to summon the Local Commissioner as a "Court Witness", to examine him with regard his Report dated 26-02-2025 and to allow all parties to cross-examine him, if deemed necessary.

6. Petition stands disposed of with the above directions.

7. Copy of this Judgment be transmitted to the Learned Trial Court for information and compliance.

(Meenakshi Madan Rai) Judge 29-05-2026 Approved for reporting : Yes sdl