

THE HIGH COURT OF SIKKIM: GANGTOK
(Civil Extra-Ordinary Jurisdiction)

SINGLE BENCH : THE HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE,
CHIEF JUSTICE

WP(C) No.03 of 2026

M/s Yama Enterprises Pvt. Ltd.

A Company registered under the
Registration of Companies Act Sikkim, 1961,
having its registered office at Yama House,
M.G. Marg, Gangtok,
through its authorised representative
Mr. Bajrang Lal Goyanka,
Gangtok.

...Petitioner

versus

- 1. Ms. Chewang Lhamu Bhutia**
W/o Late Thukchuk Lachungpa
R/o Top Floor, Yama Towers,
M.G. Road, Gangtok.
- 2. Master Miwang Songchen Lachungpa**
S/o Late Thukchuk Lachungpa
R/o Top Floor, Yama Towers,
M.G. Road, Gangtok.
- 3. Ms. Sangay Doma Bhutia**
W/o Late Thukchuk Lachungpa
R/o Sichey, near District Court,
Gangtok.
- 4. Ms. Thinlay Ongmu**
W/o Late Thukchuk Lachungpa
R/o Setay Bazaar, Sichey,
Gangtok.
- 5. Mr. Wangchuk Namdral Lachungpa**
S/o Late Thukchuk Lachungpa
R/o Sichey, near District Court,
Gangtok.
- 6. Ms. Cherry Wangmo Lachungpa**
D/o Late Thukchuk Lachungpa
R/o Setay Bazaar, Sichey,
Gangtok.

...Respondents

Appearance:

Mr. Thupden Youngda, Advocate for the Petitioner.

Mr. S.S. Hamal, Senior Advocate with Mr. Sushil K. Rai, Advocate for the Respondent Nos.1 and 2.

Mr. Bhaichung Bhutia and Mr. Mohan Sharma, Advocates for the Respondent Nos.3 to 6.

Judgment Reserved on :
Judgment Pronounced on : 06.08.2026
Judgment Uploaded on : 06.08.2026

JUDGMENT (ORAL)

(A. Muhamed Mustaque, C.J.)

1. The Petitioner, who is the plaintiff, made an attempt to adduce secondary evidence. By a detailed order dated 18.11.2025, the Court of the Learned District Judge, Special Division-I, Sikkim at Gangtok, in Title Suit No.26 of 2022, dismissed the application under Section 65 and 66 of the Indian Evidence Act, 1872.

2. The reason for such dismissal is that the documents sought to be produced by way of secondary evidence are inadmissible. The Petitioner's attempt was to mark the documents as secondary evidence.

3. In such circumstances, this Court is of the view that the impugned order will have to be modified in respect of the documents which Petitioner attempted to use as secondary evidence, without following the prescribed procedure. Accordingly impugned order dated 18.11.2025 is set aside to that extent by giving liberty to the Petitioner to file a fresh application following the procedure in accordance with law.

4. With liberty granted as above, the Writ Petition, being WP(C) No.03 of 2026, stands disposed of.

Chief Justice