

# THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Appellate Jurisdiction)

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

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I.A. No.01 of 2025 in MAC App. No. 01 of 2026

**Applicants/Appellants** : The Branch Manager,  
Cholamandalam MS General Insurance  
Company Limited and Another

**versus**

**Respondents** : Mina Kumari Pradhan and Others  
Appeal under Section 173(1) of the Motor Vehicles Act, 1988

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**Appearance**

Mr. Nirankush Dahal, Advocate for the Appellants.

Ms. Lidya Pradhan, Advocate for the Respondents No.1, 2 and 3.

None present for the Respondents No.4 and 5.

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Date of hearing : 15-04-2026

Date of pronouncement : 15-04-2026

Order uploaded : 16-04-2026

## ORDER (ORAL)

Meenakshi Madan Rai, J.

**1.** The Applicants/Appellants have filed an application under Section 173(1) of the Motor Vehicles Act, 1988 (hereinafter, the "MV Act"), seeking condonation of 280 days' delay in filing the instant Appeal.

**2.** Learned Counsel for the Appellants submits that, the Judgment was pronounced on 30-11-2023, by the Learned Motor Accidents Claims Tribunal, Gangtok, Sikkim (hereinafter, the "MACT"), in MACT Case No.02 of 2021 (*Mina Kumari Pradhan and Others vs. The Branch Manager, Cholamandalam MS General Insurance Company and Others*). That, although the Appeal ought to have been filed within 90 days' of the pronouncement of the Judgment, however it was filed on 05-12-2024. Consequently, a delay of 280 days' has arisen in filing the Appeal. Enumerating the grounds for the delay, Learned Counsel submitted that in the first instance the Appellants

were not informed about the pronouncement of the impugned Judgment and the Award, by the Counsel who conducted the matter before the Learned MACT. The Appellants therefore came to learn of it only on 14-10-2024, pursuant to which they obtained the Judgment online. It was forwarded to the Branch Office situated at Siliguri, West Bengal, on 18-04-2024. A certified copy of the Judgment was sought on 24-10-2024 and was 'obtained' on 28-10-2024. The File was then forwarded to the Legal Department of the Appellants seeking opinion on 22-10-2024 which opined on 05-11-2024 that the Appeal ought to be filed. Pursuant thereto, the File was forwarded to the Regional Office, Kolkata and ultimately received by the conducting Counsel on 18-11-2024 after necessary steps at the Branch Office at Siliguri. Appeal was prepared and the File returned to the Branch Office on 25-11-2024 for obtaining signatures and returned to Counsel on 28-11-2024. The Appeal was thus filed on 05-12-2024. That, there are very good chances of success in the Appeal as the driver was in an inebriated condition whilst driving the vehicle which was a commercial vehicle but did not have the requisite route permit. The delay having been satisfactorily explained it may be condoned and the Appellants afforded an opportunity to be heard on the merits.

**3.** Opposing the arguments of Learned Counsel for Appellants, Learned Counsel for the Claimants-Respondents No.1, 2 and 3 submitted that the certified copy of the impugned Judgment was sought rather belatedly by the Appellants only on 24-10-2024 the Judgment having been pronounced on 30-11-2023 by which time MACT Execution Case No.10 of 2024 (*Mina Kumari Pradhan and Others vs. The Branch Manager, Choramandalam MS General Insurance Company*

and Another) was already pending before the Learned MACT. Apart from the above circumstances, the Counsel for the Appellants was present during the entire trial and was therefore aware of the Judgment and Award of the Learned MACT, nullifying the argument that the Appellants were unaware of the impugned Judgment. The MACT Execution Case No.10 of 2024 was disposed of on 21-11-2024 and the Claimants-Respondents No.1, 2 and 3 have been paid the compensation amount of ₹ 9,40,000/- (Rupees nine lakhs and forty thousand) only, along with interest, by the Appellants-Company in terms of the impugned Judgment. Hence, the Appeal being belatedly filed is now infructuous and deserves no consideration. It was also contended that the no proof of inebriated condition of the driver was furnished by the Appellants and the necessity for permits of commercial vehicle as per the Section 66(3)(i) of the MV Act, mandates that the gross weight of the vehicle should not exceed 3000 kilograms, whereas in the case at hand the weight of the vehicle in accident was 2620 kilograms, as a result it did not qualify as a commercial vehicle. The Petition being without merit deserves a dismissal and in any event the Appellants have no case even on merit in light of the above mentioned facts.

**4.** I have given due consideration to the arguments advanced before me and perused the documents before me. From a careful consideration thereof, the argument that the conducting Counsel failed to inform the Appellants-Company of the impugned Judgment has to be taken with a pinch of salt. In other words, it is unbelievable. Even if the Counsel failed to inform the Appellants, it is unfathomable as to why the legal cell of the company chose to remain silent when they were aware of the matter before the MACT,

having engaged Counsel to defend their case. This argument deserves to be and is accordingly discarded. It is also apparent from the submissions that the impugned Judgment was pronounced on 30-11-2023 and the Appeal was filed on 05-12-2024, long after even the MACT Execution Case No.10 of 2024 was also disposed of, vide Order dated 21-11-2024. Admittedly the compensation has already been paid by the Appellants and received by Claimants-Respondents No.1, 2 and 3. It is evident that the attitude of the Appellants has not only been callous towards the Claimants-Respondents No.1, 2 and 3 but is lackadaisical and they deem it their entitlement to approach this Court as and when they find it convenient to do so despite the lapse of time with no interest evinced in adhering to the legal provisions. Their conduct is beset with gross negligence and deliberate inaction to say the least.

**(i)** That having been said, the grounds given by the Appellants is not fortified by sufficient cause to enable this Court to consider and condone the delay. The delay from the time of pronouncement of Judgment, obtainment of copy thereof and the time it took for the Appellants to shuttle the File from once authority to the next is not substantiated with reasons. It is also evident that the Appellants have woken up from its slumber only after payment of compensation amount was made in the Execution case. During the Execution proceedings the Appellants failed to so much as seek a stay of the proceedings. Be that as it may, the above remark is being made as it is revelatory of the conduct of the Appellants. The Appellants cannot be under the impression that they can approach this Court belatedly and expect a relief to be granted. The grounds put forth for the delay do not fall within the ambit of "sufficient

cause” as required by the legal provision invoked. Consequently, the I.A. No.01 of 2025 stands rejected and disposed of accordingly as does the Appeal.

**5.** Considering that this Petition has resulted in wasting precious judicial hours, the Appellants-Company shall pay a total sum of ₹ 50,000/-(Rupees fifty thousand) only, as costs to the Claimants-Respondents No.1 to 3, within a period of one month from today.

**6.** Copy of this Order be transmitted to the Learned MACT, for information.

**7.** Pending applications, if any, also stand disposed of.

**( Meenakshi Madan Rai )**  
**Judge**  
15-04-2026

Approved for reporting : **Yes**