

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

**I.A. No.01 of 2024 in MAC App./137/2024 (Filing No.)**

THE DIVISIONAL MANAGER, NATIONAL INSURANCE COMPANY LIMITED AND ANOTHER  
APPLICANTS  
*VERSUS*

DHANESH GUPTA ALIAS DHANESH KUMAR GUPTA AND ANOTHER  
RESPONDENTS

**Date: 24.02.2025**

CORAM:

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

For Applicants Mr. Madan Kumar Sundas, Advocate.

For Respondents

R-1 Mr. Rahul Rathi, Advocate.

R-2 None present.

**ORDER**

Heard on I.A. No.01 of 2024, which is an application filed by Learned Counsel for the Applicant, under Section 173(1) of the Motor Vehicles Act, 1988, seeking condonation of 151 days' delay in filing the Appeal.

Learned Counsel for the Applicant admits that the entire delay arose on account of the Counsel who was engaged before the Learned Motor Accident Claims Tribunal, not having taken steps at the appropriate time. That, the Learned Counsel who appeared before the Learned MACT had health issues and was therefore unable to take necessary steps on time as detailed in the Petition. That, as a result after the present Learned Counsel for the Applicant was subsequently engaged by the Applicant, he required some time to take necessary steps to prepare the Appeal. Hence, the delay was not on account of the negligence of the Applicant, but solely on account of the Counsel and hence if the delay is not condoned the Applicant would be penalised for no fault of his.

Learned Counsel for the Respondent vehemently objects to the submissions and contends that these are superficial grounds put forth without proof of such ill-health of the Counsel. That, the grounds put forth for the delay do not qualify as "sufficient cause" and the Petition thereby deserves no consideration and ought to be dismissed.

I have given due consideration to the submissions put forth by Learned Counsel for the parties. Having examined the grounds carefully, I am of the considered view that the Applicant cannot be held to ransom on the inability of the various Counsel engaged by him to

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

take steps on time, surely the Applicant cannot be penalised for the tardiness of the Counsel. Thus, I find that this is a fit case where the delay ought to be and is accordingly condoned.

I.A. No.01 of 2024 stands disposed of accordingly.

Register the Appeal.

List on 07-03-2025.

**Judge**  
24.02.2025

ds/sdl