

HIGH COURT OF SIKKIM
Record of Proceedings

I.A. No. 01 of 2024 in MAC App./101/2024/(Filing No.)

THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LTD.

APPLICANT

VERSUS

MRS. PEMA TAMANG AND OTHERS

RESPONDENTS

Date: 05.05.2025

CORAM:

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

For Applicant Ms. Babita Kumari, Advocate.

For Respondents

R-1 to R-3 Mr. Sishir Mothay, Advocate.

R-4 Dr. Jigme Wangchuk Bhutia, Advocate.

ORDER

This Court on 16-04-2025 had allowed adjournment sought for by Learned Counsel for the Applicant, subject to payment of costs of ₹ 40,000/- (Rupees forty thousand) only, i.e., ₹ 10,000/- (Rupees ten thousand) only, each, to each of the Respondents, within a period of one week from the date of the Order. The party had also been cautioned that should the cost not be paid within one week from the date of the Order, the costs would be enhanced.

It is submitted by Learned Counsel for the Applicant that the necessary cheque has been issued on 23-04-2025 by the Applicant Company, however as it was posted from Chennai, it has arrived at the Branch Office, Gangtok, today and shall be disbursed to the Respondents as ordered within two days from today.

Heard on I.A. No.01 of 2024, which is an application filed by the Applicant under Section 173(1) of the Motor Vehicles Act, 1988, seeking condonation of 127 days' delay in filing the instant Appeal.

It is submitted by Learned Counsel for the Applicant that the delay occurred on account of the File movement from one office to the next as detailed in the application. That, the delay is inadvertent and *bona fide* on account of the unavoidable pre-occupation of the Counsel in other matters and due to her personal reasons.

Learned Counsel for the Respondents No.1 to 3 had no objection to the Petition for delay as also Learned Counsel for the Respondent No.4.

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Considered, in view of the opposing Learned Counsel having no objection to the grounds for the delay and considering that the delay has been sufficiently explained, the delay is accordingly condoned.

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

Register the Appeal.

List on 22-05-2025.

Judge
05.05.2025

ds/sdl