

HIGH COURT OF SIKKIM
Record of Proceedings

I.A. No.01 of 2024 in MAC App./67/2024/(Filing No.)

THE BRANCH MANAGER, APPLICANTS
NATIONAL INSURANCE COMPANY LIMITED AND ANOTHER

VERSUS

PEMBA TSHERING BHUTIA AND OTHERS RESPONDENTS

Date: 02.08.2024

CORAM:

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

For Applicants Mr. Thupden Gyatso Bhutia, Advocate.

For Respondents

R-1 & R-2 Mr. Rahul Rathi, Advocate.
Ms. Lidya Pradhan, Advocate.

R-3 & R-4 None present.

ORDER

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

2. Learned Counsel for the Applicants who has filed his Vakalatnama today, submits that the delay of twenty-five days' is unintentional and *bona fide* for the reason that seventeen days' delay is attributed solely to the Counsel then conducting this matter, who was pre-occupied in preparing for the Judicial Service Examinations held by this High Court on 23-04-2024 – 24-04-2024 and 28-05-2024 – 29-05-2024. That, the rest of the delay occurred on account of the File movement that took place from the Branch Office at Gangtok to the Divisional Office at Siliguri, who then forwarded the File to the Regional Office at Kolkata for a decision as to whether the instant Appeal was to be filed. That, the grounds for delay having been sufficiently explained the delay may be considered and condoned.

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3. Learned Counsel for the Respondents No.1 and 2 concedes that as the delay has occurred largely on the personal grounds of the Counsel, he has no objection to the prayer for condonation of delay.

4. None appears for the Respondents No.3 and 4.

5. I have given due consideration to the submissions put forth by Learned Counsel for the parties, I find that the Applicants has sufficiently explained the reason for the delay, which is found satisfactory. The delay is accordingly condoned.

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

7. Register the Appeal.

Judge
02.08.2024

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