HIGH COURT OF SIKKIM
Record of proceedings

I.A. No.01/2024
IN
MAC App.No.125/2024 (Filing No.)

GOPI BIR CHAUHAN & ANR.   ……. APPLICANTS

VERSUS

YOGESH CHETTRI & ORS.   ……. RESPONDENTS

Date: 15.05.2025

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Applicants	:	Mr. Prem Simon Chettri, Advocate.
For Respondent No.1.	:	Mr. Yashir N. Tamang, Advocate.
For Respondent Nos. 2 & 3	:	None.

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1.   This is an appeal filed by the Claimants (the applicants). They are aggrieved by the impugned judgment and award dated 29.06.2024 passed by the Motor Accident Claims Tribunals, Namchi, directing the respondent nos. 2 and 3 to pay Rs.2 lakhs only to the applicants as compensation within two months. Neither respondent no.2 nor respondent no.3 are present or represented.

2.   The Order dated 11.04.2025 of this Court records that the Registry had reported that the notice issued to respondent no.3 had not been returned. Accordingly, this Court permitted service of notice to respondent no.3 through *'dasti'*.

3.   The Order dated 30.04.2025 records that an affidavit of service has been filed by the applicants indicating that service was effected on respondent no.3 and all documents were duly handed over at Entel Motors Private Limited, Gangtok. The Order also records that notice to respondent no.2 has been delivered.

However, it is seen that the receipt annexed as Annexure A-1 only reflects that Entel Motors had received it and not respondent no.2.

4.   Both respondent nos. 2 and 3 are contesting respondents and their presence is necessary. Let notice be served again upon respondent no.3 through the process server of the Gangtok District Court. Respondent no.2 although served may be served again through email address as available in respondent no.2's official website. Requisites within three days. List this matter again after receipt of the process server's report.

5.   List on 05.06.2025.

Judge

Index: ~~yes~~/No
to/   Internet: yes/~~No~~