

HIGH COURT OF SIKKIM

Record of proceedings

I.A. No. 01 OF 2024

IN

CONT. CAS (C)/105/2024 (Filing No.)

AITA MAYA GURUNG & ORS.

..... APPLICANTS

VERSUS

THE BRANCH MANAGER, RELIANCE

GENERAL INSURANCE COMPANY LTD. RESPONDENT

Date: 06.11.2025

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

For Applicants : Ms.Tashi Doma Bhutia, Advocate.
Ms. Pritima Sunam, Advocate.
Ms. Bichitra Thapa, Advocate.
Ms. Pratima Subba Limboo, Advocate.
Mr. Palden Tamang, Advocate.

For Respondent : Mr. K. Mittal, Advocate (*through V.C.*)
Ms. Anuradha Tamang, Advocate.

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1. According to the applicants there is a delay of 121 days in filing the contempt case and therefore, the application for condonation of delay has been filed invoking the provision of section 5 of the Limitation Act, 1963. The learned counsel for the applicants refers to section 20 of the Contempt of Courts Act, 1971 which provides that:-

“20. Limitation for actions for contempt.-No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.”

2. The question is whether section 5 of the Limitation Act, 1963 can be invoked to condone the delay beyond the period of one year prescribed under section 20 of the Contempt of Court Act, 1971. The learned counsel desires to examine this issue, re-read the judgment of the Supreme Court in **Pallav Sheth vs. Custodian &**

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Ors.¹ and assist this Court to answer the question. She therefore seeks an adjournment to 01.12.2025 on which date the connected MAC App.No.02 of 2022 is also listed. The matter is adjourned to 01.12.2025.

Judge

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

¹ (2001) 7 SCC 549