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**(2022) 11 SIK CK 0064**

**In the Sikkim High Court**

**Case No : Motor Accident Claim Appeal No. 01 Of 2021**

|                                                          |            |
|----------------------------------------------------------|------------|
| Branch Manager, New India Assurance Co. Ltd. And Another | APPELLANT  |
| Vs                                                       |            |
| Krishna Bahadur Darjee And Others                        | RESPONDENT |

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**Date of Decision : 28-11-2022**

**Acts Referred:**

**Citation : (2022) 11 SIK CK 0064**

**Hon'ble Judges : Meenakshi Madan Rai, J**

**Bench : Single Bench**

**Advocate : Navtara Sarda, S. S. Hamal, Tashi Wongdi Bhutia, Mahesh Subba, Sunil Baraily, Bhawana Chhetri**

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## **Judgement**

Meenakshi Madan Rai, J

In terms of the Order of this Court dated 03-11-2022, the Learned Motor Accidents Claims Tribunal, East Sikkim, at Gangtok, has duly complied with it and necessary steps with regard to determining the question of the legal representative of the deceased victim has been taken up.

Both Learned Counsel for the parties submit that in terms of the evidence conducted before the Learned Motor Accidents Claims Tribunal, East Sikkim, at Gangtok, it is now established that "Sachin Darjee" is the legal heir and successor of the Claimants.

Learned Counsel for the parties to take steps for amendment with regard to the Cause Title.

In view of the above, I.A No.05 of 2022 stands disposed of.

I.A No.01 of 2022 is an application filed by the Appellant seeking condonation of 208 days' delay in filing of the instant Appeal.

Having heard Learned Counsel for the parties, the Petition for condonation of delay is allowed in view of the Order of the Hon'ble Supreme Court dated

10-01-2022 in Miscellaneous Application No.21 of 2022 in Miscellaneous Application No.665 of 2021 in Suo Motu Writ Petition (C) No.3 of 2020 (In Re: Cognizance for Extension of Limitation).

I.A No.01 of 2022 stands disposed of.

I.A No.02 of 2022 is an application for stay filed by the Appellant of the operation of the Judgment dated 29-02-2020 which the instant Appeal assails. The operation of the Judgment supra is stayed until further orders of this Court.

Call for the records from the Learned Motor Accidents Claims Tribunal, East Sikkim, at Gangtok. Let Paper-Books be prepared.

List on 16-02-2023 as found convenient by the parties.