

(2022) 08 SIK CK 0030

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

Date of Decision : 22-08-2022

Acts Referred:

Code Of Civil Procedure, 1908 — Section 151

Code Of Civil Procedure, 1908 — Order 22 Rule 2, Order 22 Rule 3, Order 22 Rule 4

Citation : (2022) 08 SIK CK 0030

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Navtara Sharda, S. S. Hamal, Tashi Wongdi Bhutia, Yadav Sharma, Sujan Sunwar, Bhawana Chhetri

Judgement

Meenakshi Madan Rai, J

Ms. Navtara Sarda, Advocate enters appearance for both the Appellants today and has filed Vakalatnama.

I.A. No.05 of 2022 is an application filed by the son of the Respondent Nos.1 and 2, under Order XXII Rules 2 and 4 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter, "CPC"), seeking substitution of the name of the Respondent Nos. 1 and 2, by their legal heir and successor on grounds that the Respondents have since passed away.

I.A. No.04 of 2022, is the previous application under the same provisions seeking substitution of the deceased Respondent Nos.1 and 2.

I.A. No.03 of 2021 is an application filed by the Appellants, on 30-11-2021 when represented by Learned Counsel, Ms. Sarala Gurung under Order XXII Rule 3 read with Section 151 of the CPC seeking deletion of the name of the Respondent No.2 from the array of Respondents as she had passed away on 24-11-2020.

Learned Counsel for the Respondent Nos.1 and 2, seek to withdraw I.A. No.04 of

2022 as I.A. No.05 of 2022 a better application has been filed in this regard. I.A. No.04 of 2022 stands disposed of as withdrawn in view of the filing of I.A. No. 05 of 2022.

List on 26-09-2022 for hearing on;

- (i) I.A. No.01 of 2021, which is an application for condonation of 208 days' delay;
- (ii) I.A. No.02 of 2021 which is an application for stay of the impugned Judgment, dated 29-02-2020 and;
- (iii) I.A. No.03 of 2021 whereby the Appellant sought deletion of the name of Respondent No.2 from the array of parties.