

(2025) 02 SIK CK 0951

In the Sikkim High Court

Case No : I.A. No. 01 Of 2024 In Motor Accident Claim Appeal 137 Of 2024
(Filing No.)

Divisional Manager, National Insurance Company Limited And
Another

APPELLANT

Vs

Dhanesh Gupta Alias Dhanesh Kumar Gupta And Another

RESPONDENT

Date of Decision : 24-02-2025

Acts Referred:

Motor Vehicles Act, 1988 & mash; Section 173(1)

Citation : (2025) 02 SIK CK 0951

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Madan Kumar Sundas, Rahul Rathi

Final Decision : Disposed Of

Judgement

Meenakshi Madan Rai, J

Heard on I.A. No.01 of 2024, which is an application filed by Learned Counsel for the Applicant, under Section 173(1) of the Motor Vehicles Act, 1988, seeking condonation of 151 days' delay in filing the Appeal.

Learned Counsel for the Applicant admits that the entire delay arose on account of the Counsel who was engaged before the Learned Motor Accident Claims Tribunal, not having taken steps at the appropriate time. That, the Learned Counsel who appeared before the Learned MACT had health issues and was therefore unable to take necessary steps on time as detailed in the Petition. That, as a result after the present Learned Counsel for the Applicant was subsequently engaged by the Applicant, he required some time to take necessary steps to prepare the Appeal. Hence, the delay was not on account of the negligence of the Applicant, but solely on account of the Counsel and hence if the delay is not condoned the Applicant would be penalised for no fault of his.

Learned Counsel for the Respondent vehemently objects to the submissions and

contends that these are superficial grounds put forth without proof of such ill-health of the Counsel. That, the grounds put forth for the delay do not qualify as "sufficient cause" and the Petition thereby deserves no consideration and ought to be dismissed.

I have given due consideration to the submissions put forth by Learned Counsel for the parties. Having examined the grounds carefully, I am of the considered view that the Applicant cannot be held to ransom on the inability of the various Counsel engaged by him to take steps on time, surely the Applicant cannot be penalised for the tardiness of the Counsel. Thus, I find that this is a fit case where the delay ought to be and is accordingly condoned.

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

Register the Appeal.

List on 07-03-2025.