courtkutchehry.com

Company : CourtKutchehry
Website : www.courtkutchehry.com
Printed For :
Date : 15/09/2026

(2024) 10 SIK CK 0025

In the Sikkim High Court

Case No : I.A. No. 01 Of 2024 In Civil Revision Petition 69 Of 2024/(Filing No.) & I.A. No. 01 Of 2024 In Revision Petition 69 Of 2024/(Filing No.)

Sangay Doma Bhutia And Others — APPELLANT

Vs

M/S Yama Enterprises Private Limited And Another — RESPONDENT

Date of Decision : 22-10-2024

Acts Referred:
Limitation Act, 1963 — Section 5
Constitution Of India, 1950 — Article 227

Citation : (2024) 10 SIK CK 0025

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Zangpo Sherpa, Mohan Sharma, Anmole Prasad, Sagar Chettri, Thupden Youngda, S. S. Hamal, Pradeep Sharma, Anirudh Gupta

Final Decision : Disposed Of

Judgement

Meenakshi Madan Rai, J

I.A. No.01 of 2024 is an application filed by the Applicants under Section 5 of the Limitation Act, 1963, seeking condonation of 278 days' delay in filing the Civil Revision Petition. The grounds for the delay have been enumerated therein.

During the course of hearing Learned Counsel for all parties, Learned Senior Counsel for the Respondent No.1 pointed out that in Paragraph 3 of the I.A. erroneous statements emanate pertaining to the date of filing of the Writ Petition under Article 227 of the Constitution of India as it is averred therein that the date of filing was 21-11-2023 when the actual date of filing as per the records is shown as 26-03-2024.

This matter has however been clarified in the open Court from the records of the Registry of this Court which indicates that the original date of filing of the Petition indeed took place on 21-11-2023, defects in the Petition were pointed out by the Registry which were ultimately rectified and filed before the Registry on

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/sangay-doma-bhutia-and-others-…

26-03-2024. The delay in filing the rectified Petition was put to the notice of the Registry and the concerned official had condoned the delay.

In view of the explanation and the records of the Registry, there is no serious objection by Learned Senior Counsel for the Respondent No.1 to the Petition seeking condonation of delay.

Learned Senior Counsel for the Respondent No.2 has no objection to the I.A.

Having considered the arguments advanced and the records of the Registry, I am satisfied that sufficient cause has been advanced by the Applicant explaining the delay, which is consequently condoned.

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

Register the Civil Revision Petition.

As prayed for by Learned Counsel for the parties, list on 28-10-2024.

Downloaded from CourtKutchehry — https://dev.courtkutchehry.com/judgments/sangay-doma-bhutia-and-others-…