

**HIGH COURT OF SIKKIM**  
**Record of Proceedings**

**I.A. No.01 of 2024 in MAC App./64/2024/(Filing No.)**

THE BRANCH MANAGER,  
SHRIRAM GENERAL INSURANCE COMPANY LIMITED

APPLICANT

*VERSUS*

CHANDA CHETTRI AND OTHERS

RESPONDENTS

**Date: 02.08.2024**

CORAM:

**THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

For Applicant      Mr. Rahul Rathi, Advocate.

For Respondents

R-1 to R-4      Mr. Sushant Subba, Advocate.

R-5      Ms. Tashi Doma Sherpa, Advocate.

**ORDER**

**1.**            Heard Learned Counsel for the parties on I.A. No.01 of 2024 which is an application filed by the Applicant under Section 173(1) of the Motor Vehicles Act, 1988, seeking condonation of 83 days' delay in filing the instant Appeal.

**2.**            Learned Counsel for the Applicant submits that the delay occurred on account of the fact that although the Judgment was pronounced on 22-12-2023, after obtaining the impugned Judgment online, it was forwarded to the Branch Office at Siliguri of the Applicant-Company on 02-01-2024. That, the Branch Office at Siliguri, forwarded the File to the Regional Office at Kolkata seeking their opinion. The Regional Office at Kolkata thereafter forwarded the File on 24-02-2024 to its Legal Department for legal opinion. The Legal Department opined on 14-03-2024 that an Appeal ought to be filed. The File then made its way back to the Regional Office at Kolkata, which forwarded it to the Branch Office at Siliguri, where it was received on 04-04-2024. The File was ultimately received by the conducting Counsel on 12-04-2024 for preparing the Appeal. The draft of the Appeal was then sent to the Branch Office at Siliguri on 20-04-2024, which again forwarded it to the

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Regional Office at Kolkata on 27-04-2024 which received the File only on 04-05-2024. The Legal Department vetted it on 10-05-2024 and returned it to the Branch Office at Siliguri on 22-05-2024. The Branch Office at Siliguri received it on 30-05-2024 after which it took about twelve days for preparing the Memo of Appeal which came to be filed on 12-06-2024. It is submitted by Learned Counsel for the Applicant that the delay occurred on account of the File having to be processed as per the official procedure and the delay was neither intentional nor was it with any other ulterior motive. Hence, the delay may be condoned as the Applicant was prevented by sufficient cause in filing the Appeal.

**3.** Objecting to the prayer for delay, Learned Counsel for the Respondents No.1 to 4 submitted that the delay has not been sufficiently explained as the Judgment was pronounced on 22-12-2023 but the application nowhere mentions when the Applicant availed of the copy of the Judgment. The File movement indicates that the process took about twenty days' each for transmission from one office to the next and this cannot be considered as a sufficient ground for condoning the delay. An Execution Petition was filed before the Learned Motor Accident Claims Tribunal, Gangtok, Sikkim, which was determined and the award amount of ₹ 20,00,000/- (Rupees twenty lakhs) only, along with interest, was released by the Applicant and received by the Respondents No.1 to 4/Claimants, in MACT Case No.23 of 2022, *Chanda Chettri and Others vs. The Branch Manager, Shriram General Insurance Company Limited and Another*. Hence, the Petition for delay deserves no consideration and the amount of compensation having been released, the Appeal itself is infructuous.

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**4.** Learned Counsel for the Respondent No.5 had no submissions to make.

**5.** I have given due consideration to the submissions put forth by Learned Counsel for the parties and it is evident from the reasons detailed in the Petition that the official procedure led to the delay. Indeed, now when all communications are being transmitted electronically, it is rather appalling that the Applicant-Company insists on living in the 19<sup>th</sup> Century and processing the physical File from office to office eating into valuable time, which could otherwise be utilized fruitfully. Evidently they do not even have a mechanism to expedite the process as each office appears to be drowning in its own importance and inefficiency and expending exorbitantly long periods of time to consider steps to be taken. Nevertheless, considering that specific dates have been given for the delay that has occurred, I find that the delay has been sufficiently explained. The delay is accordingly condoned, subject to payment of costs of ₹ 50,000/- (Rupees fifty thousand) only, to be paid to the Respondents No.1 to 4/Claimants by the Applicant-Company within a period of seven days from today.

**6.** I.A. No.01 of 2024 stands disposed of.

**7.** Register the Appeal.

**Judge**  
02.08.2024