

IN THE HIGH COURT OF SIKKIM


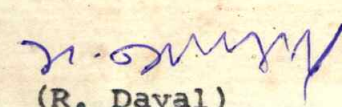
ORDER SHEET

Arbitration Appeal No. 6 of 199 2000.

Smt. Sonam Bhutia.....Petitioner/Appellant



Versus

Govt. of Sikkim & Ors.....Respondent

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
1.	8-5-2000	<p>Present: Appellant in person. Mr. S.P. Wangdi, Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the respondents. ---</p> <p>The appellant has made an application for adjournment. The matter be listed on 15-5-2000 for admission.</p> <p> (Anup Deb) <u>Judge.</u></p> <p> (R. Dayal) <u>Chief Justice.</u></p>	

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
2.	15-5-2000	<p>Present: Mr. M.S. Rai, Advocate for the appellant.</p> <p>Mr. S.P. Wangdi, Advocate General with Mr. Karma Thinlay, Asstt. Govt. Advocate for the Respondents.</p> <p>Heard on admission.</p> <p>This appeal is directed against the decision of the learned District Judge, Special Division, Sikkim dated 2-2-2000 whereby the award made in favour of the appellant by the learned Arbitrator was set aside, being invalid, on the ground that the claim is barred by limitation.</p> <p>The learned trial Court has held that the cause of action for the claim made by the appellant arose when the contract of the appellant was rescinded by the respondents on 7-2-1984 and Article 55 of the Limitation Act prescribes 3 years as the period of limitation to claim compensation for the breach, if any, of contract, express or implied, but request for arbitration was made by the appellant in February, 1997 and so the claim before the Arbitrator was barred by limitation.</p> <p>The learned counsel for the appellant has submitted that the appellant could not make a request, in 1984 or 1985 or even thereafter within 3 years from 7-2-1984 since the financial condition of the appellant was bad and her daughter had met with an accident and she had so much of financial constraint that she</p>	

Arbitration Appeal No.6/2000.

Serial No. of Order	Date of Order	Order with Signature	Office Note as to action (if any) taken on Order
		<p>could not make a request for arbitration. The learned counsel submits that the respondents involved the appellant in a case under Section 406 of the Indian Penal Code in the year 1986 and the appellant was acquitted in 1986 and it was thereafter that he made a request for arbitration. In our view, pendency of criminal proceedings has no relevancy to the question of limitation. The Arbitrator has to proceed according to law. There is no dispute that the point of limitation was raised by the respondents before the Arbitrator and the Arbitrator did not deal with that point. We see no error in the impugned judgment.</p> <p>Accordingly, the appeal is dismissed in limine.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (Anup Deb) Judge 15.05.2000 </div> <div style="text-align: center;">  (Ripusudan Dayal) Chief Justice 15.05.2000 </div> </div>	