

High Court of Sikkim

Record of proceedings

CRP No.04 of 2020

Managing Director, Sikkim Power Development Corporation

Revisionist

VERSUS

The Senior Branch Manager, Oriental Insurance Company Limited

Respondent

Date : **29-06-2021**

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

For Revisionist Mr. Sudhir Prasad, Advocate.

For Respondent Mr. Manish Kr. Jain, Advocate.

O R D E R

I.A. No.01 of 2020 is an application under Section 5 of the Limitation Act, 1963, seeking condonation of 230 (two hundred and thirty) days delay in filing the instant Revision Petition.

Learned Counsel for the Revisionist/Petitioner submits that although the impugned Order was passed on 18-12-2019 the Petitioner was unable to take steps for filing the instant Revision Petition within the period of 90 days on account of the intervening winter vacation of the Learned Trial Court. Thereafter, the parties decided to refer the matter to the Mediation Centre on 10-02-2020, however the matter could not be settled in Mediation and was returned to the Learned Trial Court. Following this circumstance, the nationwide lockdown against Covid-19 pandemic started on 25-03-2020. That, on account of these grounds the delay ensued in filing the instant Revision Petition. The delay having been sufficiently explained may duly be condoned.

Learned Counsel for the Respondent while verbally opposing the Petition for condonation of delay contended that the impugned Order was pronounced on 18-12-2019 and the Petitioner if he so desired could have well filed the Revision Petition within the period prescribed by the statute. Instead, the Petitioner opted to participate in the proceedings before the concerned Learned District Judge and, therefore, now cannot plead delay on account of the lockdown. Besides, the lockdown

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took place much after the period of limitation expired and hence, the Petition deserves no consideration and accordingly be dismissed.

Having heard the rival contentions of the parties, I find that the Petitioner has made out sufficient grounds for condonation of delay in view of the fact that after pronouncement of the impugned Order *supra* the parties were before the Mediation Centre in the month of February, 2020, of which Learned Counsel for the Respondent also admittedly had notice of. The grounds for the delay having been sufficiently explained in the Petition and in consideration thereof, I am inclined to condone the delay of 230 days.

Delay condoned.

I.A. No.01 of 2020 disposed of accordingly.

Heard Learned Counsel for the Petitioner on admission.

Admit the Revision Petition.

Let scanned copies of the records be called for from the Learned Trial Court.

List on 05-08-2021.

Judge
29-06-2021

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