

HIGH COURT OF SIKKIM
Record of Proceedings

I.A. No.01 of 2024 in MAC App./135/2024 (Filing No.)

THE BRANCH MANAGER, CHOLAMANDALAM MS
GENERAL INSURANCE COMPANY LTD.

APPLICANT

VERSUS

DAL BAHADUR THAPA AND OTHERS

RESPONDENTS

Date: 22.04.2025

CORAM:

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

For Applicant Mr. Rahul Rathi, Advocate.

For Respondents

R-1, R-3 to R-5 None present.

R-6 & R-7 Mr. Tarun Choudhary, Advocate (*through VC*).

ORDER

None appears for the Respondents No.1, 3 to 5.

Mr. Tarun Choudhary, Learned Counsel has entered appearance for the Respondents No.6 and 7 and undertakes to file Vakalatnama during the course of the day.

Learned Counsel for the Respondents No.1, 3 to 5 having appeared on the last date was well aware of the date fixed for today despite which he has chosen not to appear today.

Accordingly, the Petition under Section 173(1) of the Motor Vehicles Act, 1988, is taken up for hearing today.

Heard Learned Counsel for the parties present today.

Order pronounced orally in open Court.

Detailed Order vide separate sheets of paper.

I.A. No.01 of 2024 is allowed and disposed of accordingly.

Register the Appeal.

Heard on admission.

The challenge in the instant Appeal is to;

1. The $\frac{1}{3}$ rd deduction instead of 50% as personal and living expenses.
2. That, the driving licence of the deceased was not furnished by the Claimants before the Learned Motor Accidents Claims Tribunal.
3. On account of such circumstance the deceased was incompetent to drive the motor bike.

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4. Consequently, the Applicant-Company was not liable to pay the compensation.

Admit the Appeal.

Call for the records from the Learned Motor Accidents Claims Tribunal.

Let Paper-Books be prepared.

List on 30-05-2025.

Judge
22.04.2025

ds/sdl