

M.A.C. App. No. 15 of 2015

-VERSUS-

- RESPONDENT
ADVOCATE (S)
FOR -----

Case No.

Serial No.	Date	Order (s) with Signature (s)
1	2	3
03.	07.09.15	MAC App. No. 15/2015 The Branch Manager, United India Insurance Co. Ltd. vs. Jit Man Rai & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA Present: Mr. Thupden G. Bhutia, Advocate for the Appellant. Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chettri, Mr. Dinesh Agarwal and Mr. J.K. Kharga, Advocates for the Respondents. ... Delay condoned in CMA No. 171/2015. Heard on admission. Admit. Issue notice. Ms. Tamanna Chettri accepts notice on behalf of the Respondents and prays for and is granted three weeks' time to seek further instructions. List for further orders on 07.10.2015.  Chief Justice 07.09.2015

pm/jk Index : Yes / No
Internet : Yes / No

IN THE HIGH COURT OF SIKKIM
CIVIL APPELLATE JURISDICTION

C.M. Appl. No. 171 of 2015
(In M.A.C. App. No. 15 of 2015)

The Branch Manager,
United India Insurance Co. Ltd.,
Registered Office at,
Office No. 7, G. F, 150 B. B. C. Complex,
Kilokri Ring Road,
Opposite Maharani Bagh,
New Delhi – 110 014. ----- Applicant/ Appellant.

-VERSUS-

1. Mr. Jit Man Rai,
S/o Late Lak Man Rai.
2. Mr. Bimal Rai,
W/o Mr. Jit Man Rai.
Both R/o of Sudunglakha,
Rhemock,
P. O. & P. S. Rhenock,
East Sikkim. ----- Respondents/Claimants.

APPELLANT
ADVOCATE (S)
FOR ----- Mr. Thupden G. Bhutia.

RESPONDENT
ADVOCATE (S)
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03.	07.09.15	CMA No. 171/2015 in MAC App. No. 15/2015 The Branch Manager, United India Insurance Co. Ltd. vs. Jit Man Rai & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA Present: Mr. Thupden G. Bhutia, Advocate for the Appellant. Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chettri, Mr. Dinesh Agarwal and Mr. J.K. Kharga, Advocates for the Respondents. ... Heard. This is an Application for condonation of delay in filing the Appeal. The Appeal is barred by 17 days of limitation. Mr. Bhutia, learned counsel for the Appellant, submitted that the claim petition was disposed of on 27.02.2015, whereas, Application for obtaining certified copy of the award was filed on 05.03.2015 and ultimately the copy of the award was ready for delivery on 16.03.2015 and the same was delivered to the counsel for the Appellant on the said date. The counsel for the Appellant before the Tribunal sent the said copy to the Head Office on 27.03.2015 and some time was consumed in preparation of the Appeal after obtaining opinion etc. and ultimately the Appeal was filed before this Court on 26.06.2015, which was barred by 17 days. His submission

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		is that the delay has occurred in completion of the official formalities and preparation of the Appeal, therefore, taking a liberal view, the same may be condoned. On the other hand, Mr. Rai, learned Senior Counsel appearing on behalf of the Respondents opposed these arguments. On due consideration of the submissions made by learned counsel for the parties, and the grounds taken in the Application and further considering the period of delay, which is 17 days only, I am of the view that the Application deserves to be allowed and the delay of 17 days in filing the Appeal deserves to be condoned. CMA No. 171/2015 is, accordingly, allowed and the delay in filing the Appeal is condoned. The CMA stands finally disposed of.  Chief Justice 07.09.2015

pm/jk Index : Yes / No
Internet : Yes / No

IN THE HIGH COURT OF SIKKIM

CIVIL APPELLATE JURISDICTION

C.M. Appl. No. 172 of 2015
(In M.A.C. App. No. 15 of 2015)

The Branch Manager,
United India Insurance Co. Ltd.,
Registered Office at,
Office No. 7, G. F, 150 B. B. C. Complex,
Kilokri Ring Road,
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New Delhi - 110 014. ----- Applicant/ Appellant.

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03.	07.09.15	CMA No. 172/2015 in MAC App. No. 15/2015 The Branch Manager United India Insurance Co. Ltd. vs. Jit Man Rai & Ors. BEFORE HON'BLE THE CHIEF JUSTICE MR. JUSTICE S.K. SINHA Present: Mr. Thupden G. Bhutia, Advocate for the Appellant. Mr. N. Rai, Sr. Advocate with Ms. Tamanna Chettri, Mr. Dinesh Agarwal and Mr. J.K. Kharga, Advocates for the Respondents. Heard. This is an Application for interim stay. On due consideration of the submissions made by learned counsel for the parties and the grounds taken in the Application, I am of the opinion that the interim order passed on 08.07.2015 should be made absolute till the final decision of the Appeal. Accordingly, CMA No. 172/2015 is allowed and the order passed on 08.07.2015 on this Application is made absolute till the final decision of the Appeal. The CMA stands finally disposed of.  Chief Justice 07.09.2015

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