

HIGH COURT OF SIKKIM

Record of proceedings

I.A. No.01/2025

IN

MAC App. No.05/2025 (Filing No.)

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD. APPLICANT

VERSUS

GYANDUP TSHERING LEPCHA & ORS. RESPONDENTS

Date: 14.11.2025

CORAM :

HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.

For Applicant : Mr. Dipayan Roy, Advocate. *(through V.C.)*

For Respondent : Mr. Rahul Rathi, Advocate.
Nos. 1 to 3. Ms. Khushboo Rathi, Advocate.

For Respondent : Mr. Nirmal Thapa, Advocate.
Nos.4.

For Respondent : None.
No.5.

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I.A. No.01/2025

1. This is an application for condonation of delay filed under section 173(1) of the Motor Vehicles Act, 1988 (M.V. Act). The application seeks condonation of a delay of 10 days in preferring the appeal. The applicant explains this delay on the ground of seeking approvals and preparation of the appeal. The contesting respondents do not object to the application for condonation of delay. In the interest of justice, the application is allowed. The delay is condoned. I.A. No.01/2025 stands disposed of.

2. As respondent nos. 1 to 5 are already represented pursuant to the notice issued earlier, the Registry is directed to register the appeal.

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3. No steps have been taken by the appellant consequent upon the death of respondent no.5. On the last occasion, a question was asked to the learned counsel for the parties as to whether in law the driver i.e. (respondent no.5) who was a party to a claim under the M.V. Act on the allegation that the accident was caused by his rash and negligent driving, is required to be substituted. The learned counsel for the parties desires further time to examine the issue and address this Court. Time is granted.

4. List on 02.12.2025.

Judge