

HIGH COURT OF SIKKIM
Record of Proceedings

MAC App. No.09 of 2020

THE BRANCH MANAGER, APPELLANT
ORIENTAL INSURANCE COMPANY LIMITED
VERSUS

KARMA TSHERING TAMANG & ORS. RESPONDENTS

Date: 10.11.2021

CORAM :

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

For Appellant	Mr. A. Moulik, Senior Advocate. Ms. K.D. Bhutia, Advocate. Mr. Ranjit Prasad, Advocate.
For Respondents	
R-1	Mr. Charles L. Lucksom, Advocate.
R-2	Mr. Tashi Raptan Barfungpa, Advocate (Legal Aid Counsel). Mr. Hem Lall Manger, Advocate.
R-3	None.
R-4	Mr. R.C. Sharma, Advocate.

O R D E R

Heard on I.A. No. 1 of 2020 which is an application filed by the Appellant seeking condonation of 423 days delay in filing the instant Appeal.

Grounds put forth in the Petition have been duly considered. However, in view of the fact that an important question of law is being raised in the Appeal, i.e. that the Insurance Policy is itself a fake document, the Delay is condoned, subject to payment of costs of Rs.1,00,000/- (Rupees one lakh) only by the Appellant to the Respondent No. 1-Claimant within a month from today. On failure to make such payment the cost shall be enhanced in equal proportion to the one imposed today.

I.A. No. 1 of 2020 accordingly stands disposed of.

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Heard on I.A. No. 2 of 2020, which is an application filed by the Appellant seeking Stay of the Execution Proceeding in MACT Case No. 02 of 2020, (*Karma Tshering Tamang vs. Kamal Gurung and Others*) pending before the Motor Accident Claims Tribunal, South Sikkim at Namchi.

Let the Execution Proceeding be stayed untill further orders of this Court.

Call for the records of the Learned Trial Court. Let Paper Books be prepared.

List on 20.12.2021, for orders.

Judge
10.11.2021

ml/sdl