

HIGH COURT OF SIKKIM
Record of Proceedings

CRP No. 08/2018

SENIOR BRANCH MANAGER,
ORIENTAL INSURANCE CO. LTD.

REVISIONIST (S)

VERSUS

MANAGING DIRECTOR
SIKKIM POWER DEVELOPMENT CO. LTD. (SPDCL)

RESPONDENT (S)

Date: 06/03/2019

CORAM :

HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.

For Revisionist (s) : Mr. Manish Kr. Jain, Advocate

For Respondent (s) : Mr. Sudhir Prasad, Advocate

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Present revision was filed by the revisionist challenging the order of the District Judge, Special Division-II, Sikkim at Gangtok, whereby application filed by the revisionist under Section 5 of the Limitation Act, 1963, was rejected and consequent thereof, the written statement and counter claim were also declined to be admitted.

Mr. Manish Jain, learned counsel for the revisionist, submits that the original suit has been dismissed for non-appearance of counsel for the plaintiff on 22.02.2019. Thereafter, an application under Order IX, Rule 9 of the Code of Civil Procedure, 1908 (for short 'the CPC') was filed and the same is pending. The revisionist submits that the revision petition has now become infructuous.

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Considering the fact that the original suit has already been dismissed, this revision petition stands dismissed as infructuous.

However, liberty is granted to the revisionist to approach this Court again in case application of plaintiff under Order IX, Rule 9 of the CPC is allowed.

I.A. 1 of 2018 also stands disposed of.

Chief Justice

06.03.2019

Index : Yes / No
Internet : Yes / No

jk/bp