

GAHC010022332018



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : MACApp./162/2018

M/S UNITED INDIA INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT 24, WHITES ROAD ,CHNNAI - 600014
WITH ONE OF ITS REGIONAL OFFICE, AT G.S. ROAD , CHRISTIANBASTI,
GUWAHATI-5
REPRESENTED BY ITS CHIEF REGIONAL ,MANAGER.

VERSUS

SEI HARLAL SEN AND 5 ORS
S/O LATE PURNA CHANDRA SEN
RESIDENTS OF NEW COLONY,
BENGALI GIRLS SCHOOL ROAD,
P.O.,P.S. AND DIST .TINSUKIA -786125,
ASSAM.

2:SMTI SAMITA SEN
W/O SRI HARLAL SEN
RESIDENTS OF NEW COLONY

BENGALI GIRLS SCHOOL ROAD

P.O.
P.S. AND DIST .TINSUKIA -786125

ASSAM

5:THE NEW INDIA ASSURANCE CO .LTD
DIVISIONAL OFFICE
RANGAGORAH ROAD
TINSUKIA
P.O. AND DIST . TINSUKIA -786125
ASSAM

6:SRI NIRMALENDU CHOUDHURY
S/O NIKHIL BANDHU CHOUDHURY

R/O. KHAGESWAR ROAD
NEW COLONY

P.O.
P.S. AND DIST. TINSUKIA -786125
ASSAM(OWNER OF VEH. NO. AS -23/ C-3223

Advocate for the Petitioner : MD. A AHMED

Advocate for the Respondent : MR. K K BHATRA (R5)

Linked Case : I.A.(Civil)/789/2018

M/S UNITED INDIA INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE AT 24
WHITES ROAD
CHNNAI - 600014 WITH ONE OF ITS REGIONAL OFFICE
AT G.S. ROAD
CHRISTIANBASTI
GUWAHATI-5 REPRESENTED BY ITS CHIEF REGIONAL
MANAGER.

VERSUS

SRI HARLAL SEN AND 5 ORS
- S/O LATE PURNA CHANDRA SEN RESIDENTS OF NEW COLONY
BENGALI GIRLS SCHOOL ROAD
P.O.
P.S. AND DIST .TINSUKIA -786125
ASSAM.

2:SMTI SAMITA SEN
W/O SRI HARLAL SEN RESIDENTS OF NEW COLONY
BENGALI GIRLS SCHOOL ROAD
P.O.
P.S. AND DIST .TINSUKIA -786125
ASSAM

3:SRI DURGA PRASAD SHAH

S/O LATE S.P. SHAH
R/O . A.T. ROAD
DHEKIAJULI
P.O.P.S. AND DIST
TINSUKIA -786125
ASSAM (OWNER OF VEH. NO.AS-01/0667 (TRUCK))
4:SRI RAJESH MAHATO
S/O SRI KRISHNA MAHATO
R/O .A.T. ROAD
RAWARIPATTY ROAD
DIBUGARH P.S. AND DIST .DIBRUGARH
P.O. DIBRUGARH- 786001
ASSAM.
5:THE NEW INDIA ASSURANCE CO. LTD
DIVISIONAL OFFICE
RANGAGORAH ROAD
TINSUKIA
P.O. AND DIST . TINSUKIA -786125
ASSAM
6:SRI NIRMALENDU CHOUDHURY
S/O NIKHIL BANDHU CHOUDHURY
R/O. KHAGESWAR ROAD
NEW COLONY
P.O.
P.S. AND DIST. TINSUKIA -786125
ASSAM(OWNER OF VEH. NO. AS -23/ C-3223)

Advocate for : MR A HAMED
Advocate for : appearing for SRI HARLAL SEN AND 5 ORS

Linked Case : I.A.(Civil)/788/2018

M/S UNITERD INDIA INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT 24
WHITES ROAD
CHNNAI - 600014 WITH ONE OF ITS REGIONAL OFFICE
AT G.S. ROAD
CHRISTIANBASTI
GUWAHATI-5 REPRESENTED BY ITS CHIEF REGIONAL
MANAGER.

VERSUS

SRI HARLAL SEN AND 5 ORS
S/O LATE PURNA CHANDRA SEN RESIDENTS OF NEW COLONY

BENGALI GIRLS SCHOOL ROAD
P.O.
P.S. AND DIST .TINSUKIA -786125
ASSAM.

2:SMTI SAMITA SEN
W/O SRI HARLAL SEN RESIDENTS OF NEW COLONY
BENGALI GIRLS SCHOOL ROAD
P.O.
P.S. AND DIST .TINSUKIA -786125
ASSAM

3:SRI DURGA PRASAD SHAH
S/O LATE S.P. SHAH
R/O . A.T. ROAD
DHEKIAJULI
P.O.P.S. AND DIST
TINSUKIA -786125
ASSAM (OWNER OF VEH. NO.AS-01/0667 (TRUCK))

4:SRI RAJESH MAHATO
S/O SRI KRISHNA MAHATO
R/O .A.T. ROAD
RAWARIPATTY ROAD
DIBUGARH P.S. AND DIST .DIBRUGARH
P.O. DIBRUGARH- 786001
ASSAM.

5:THE NEW INDIA ASSURANCE CO. LTD
DIVISIONAL OFFICE
RANGAGORAH ROAD
TINSUKIA
P.O. AND DIST . TINSUKIA -786125
ASSAM

6:SRI NIRMALENDU CHOUDHURY
S/O NIKHIL BANDHU CHOUDHURY
R/O. KHAGESWAR ROAD
NEW COLONY
P.O.
P.S. AND DIST. TINSUKIA -786125
ASSAM(OWNER OF VEH. NO. AS -23/ C-3223)

Advocate for : MR A AHMED
Advocate for : MR. K K BHATRA (R5) appearing for SRI HARLAL SEN AND 5
ORS

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 28.11.2022

Heard Mr. A. R. Das, learned counsel for the appellant/ Insurance Company. Also heard Ms. P. Huzuri, learned counsel for the respondent No. 5.

Respondents No. 3 and 4 have been struck-off vide order, dated 12.06.2019. Respondents No. 1 and 2 are stated to be the father and mother of the deceased.

Office Note, dated 23.11.2022, indicates that the LCRs have been received and the service report of respondent No. 1 has been received back with the process server's remark "addressee expired and notice was received by wife".

Since the respondent No. 1, the father of the deceased, has been reported to be dead as per the Office Note, dated 23.11.2022, and the respondent No. 1(now deceased), is represented by his legal heir, namely, his wife, respondent No. 2, herein; let the name of respondent No. 1 be also struck-off from the array of the respondents as the respondent No. 1 is stated to have died as per the process server's remark as indicated in the Office Note, dated 23.11.2022.

Respondent No. 6 is also reported by Mr. U. Sarma, learned counsel, who, however, is not present today.

Since all the remaining respondents are duly represented and the connected LCRs have also been received, list this matter for hearing in usual course.

JUDGE

Comparing Assistant