

GAHC010083172022



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

**Case No. : MACApp./209/2022**

SRI BERASWAR KONWAR AND 4 ORS  
- S/O- LATE THANURAM KONWAR, R/O- VILL.- DAHALI, P.O. SILCHANG,  
P.S. NELI, DIST.- MORIGAON, ASSAM

2: SMTI. PUNESWARI KONWAR  
D/O- LATE THANURAM KONWAR  
W/O- SRI MILON KONWAR  
R/O- VILL.- DAHALI  
P.O. SILCHANG  
P.S. NELI  
DIST.- MORIGAON  
ASSAM.

3: SRI ARUN CH. KONWAR  
S/O- LATE THANURAM KONWAR  
PERMANENT R/O- VILL.- DAHALI  
P.O. AND P.S. NELI  
DIST.- MORIGAON  
ASSAM AND PRESENTLY RESIDING AT BHUMURAGURI  
P.O. AND P.S. JAGIROAD  
DIST.- MORIGAON  
ASSAM.

4: SMTI. BINA KONWAR  
D/O- LATE THANURAM KONWAR  
W/O- SRI ROMES KONWAR  
R/O- VILL.- BARUKATA  
P.O. MANAHA  
P.S. MAYANG  
DIST.- MORIGAON  
ASSAM.

5: SRI PITSING KONWAR  
S/O- LATE THANURAM KONWAR  
R/O- VILL.- DAHALI

P.O. SILCHANG  
P.S. NELI  
DIST.- MORIGAON  
ASSAM

VERSUS

SRI SANWAL MAL AND 2 ORS  
S/O- SRI RAMESHWAR LAL, R/O- VILL.- ASHERA BIKANER, P.S. NAPASAR,  
DIST.- BIKANER, STATE- RAJASTHAN, PIN- 334201. (DRIVER OF THE  
TRUCK).

2:SRI RAJESH PRASAD  
S/O- LATE LAKHANMAL PRASAD  
R/O- GOLAGHAT ROAD  
DIMAPUR  
P.S. DIMAPUR EAST  
DIST.- DIMAPUR  
STATE- NAGALAND  
PIN- 797112. (OWNER OF THE TRUCK).

3:THE NEW INDIA ASSURANCE COMPANY LIMITED

REP. BY ITS REGIONAL MANAGER  
REGIONAL OFFICE  
G.S. ROAD  
BHANGAGARH  
GUWAHATI- 781005  
DIST.- KAMRUP(M)  
ASSAM

**Advocate for the Petitioner** : MR. R Deka, MS P MISHRA

**Advocate for the Respondent** : MR. R GOSWAMI, MR. S DUTTA,MS. P BORTHAKUR (R-3),MR.  
R GOSWAMI (R-3)

**BEFORE  
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 01.04.2026**

- 1.** Heard Mr. S. I. Akand, learned counsel for the appellants. Also heard Mr. S. Dutta, learned counsel for the respondent No. 3.
- 2.** It appears that the appellants was directed to take fresh steps for issuance of notice on respondent No. 2, who is the owner of the offending vehicle, however, the learned counsel for the appellants has submitted that the notice issued to the respondent No. 2 by speed post could not be served due to insufficiency address and to that effect he has filed an affidavit along with postal track consignment report of the notice issued to the respondent No. 2.
- 3.** He submits that the appellants/claimant has taken address of the respondent No. 2 from the accident information report (Form-54) and no alternative address is available with him. He, therefore, submits that the appellants may be allowed to take steps for issuance of notice by substituted mode of publication of notice in the newspaper.
- 4.** The prayer is allowed.
- 5.** The appellants shall take steps for issuance of notice by publishing the notice in a newspaper which is duly circulated in the area of last known address of the respondent Nos. 1 and 2. The date of appearance in the said notice may be shown as 29<sup>th</sup> of May, 2026.
- 6.** List this matter again on 29<sup>th</sup> of May, 2026.

**JUDGE**

**Comparing Assistant**