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

Case No. : MACApp./24/2020

NEW INDIA ASSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, M.G. ROAD,
FORT, MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH
FLOOR, LACHIT NAGAR, NEAR HANUMAN MANDIR, G.S. ROAD,
GUWAHATI-781007.

VERSUS

SMTI. SUTOPA ROY KAR AND 4 ORS
WIFE OF LATE HIREN ROY, RESIDENT OF VILLAGE OLD COLONY,
MARGHERITA, P.O. AND P.S. MARGHERITA, DISTRICT TINSUKIA, ASSAM

2:MISS PUJA ROY
DAUGHTER OF LATE HIREN ROY
RESIDENT OF VILLAGE OLD COLONY
MARGHERITA
P.O. AND P.S. MARGHERITA
DISTRICT TINSUKIA
ASSAM. REPRESENTED BY HER LEGAL GUARDIAN I.E. HER MOTHER
SMTI SUTOPA ROY KAR

3:NATIONAL INSURANCE CO. LTD.
C/O BRANCH MANAGER
NATIONAL INSURANCE CO.LTD
A.T. ROAD
SEGUNARI
MARGHERITA
DISTRICT TINSUKIA
ASSAM. INSURER OF THE VEHICLE NO. AR-01-D-6333 (SANTRO)

4:SRI RAM NARESH GUPTA
SON OF LATE SUKHEO GUPTA
RESIDENT OF NOWLA ENGINEERING
LAKHRA CHARIALI



P.O. AND P.S. BELTOLA
DISTRICT KAMRUP
ASSAM
PIN 781029. OWNER OF THE VEHICLE NO. AS-01-L-4505 TRUCK.

5:SRI SUNIL SHARMA
SON OF SRI RAMBABU SHARMA
RESIDENT OF NOWLA ENGINEERING
LAKHRA CHARIALI
P.O. AND P.S. BELTOLA
DISTRICT KAMRUP
ASSAM
PIN 781029. DRIVER OF THE VEHICLE NO. AS-01-L-4505 TRUC

Advocate for the Petitioner : MR. R GOSWAMI, MR D DEKA,MS. P BORTHAKUR

Advocate for the Respondent : MR. A K SHARMA (R1, R2), MR. A DUTTA,MRS. P M DUTTA,MR. S BHUYAN (R1, R2)

Linked Case : I.A.(Civil)/1330/2020

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DISTRICT TINSUKIA
ASSAM. INSURER OF THE VEHICLE NO. AR-01-D-6333 (SANTRO)

Advocate for : MR.A K SHARMA
Advocate for : MR. R GOSWAMI appearing for NEW INDIA ASSURANCE
COMPANY LIMITED AND 3 ORS

Linked Case : I.A.(Civil)/257/2020

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HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87
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Advocate for : MR. R GOSWAMI
Advocate for : appearing for SMTI. SUTOPA ROY KAR AND 4 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

Date : 18.02.2026

Heard Mr. S. Das, learned counsel appearing on behalf of Mr. R. Goswami, learned counsel for the appellant. Mr. A.K. Sarma, learned counsel has entered appearance on behalf of the respondent Nos. 1 and 2.

It is submitted on behalf of the appellant that although attempt was made to effect the service by way of dasti service on respondent No. 5, but the proper address of the respondent No. 5 could not be traced out for dasti service.

It is submitted by the learned counsel for the appellant that the respondent No. 5 is a driver of the vehicle and his name may be struck off.

Accordingly, the name of the respondent No. 5 is struck off.

TCR has not been received.

Call for the TCR.

List the matter again on **19.03.2026**.

JUDGE

Comparing Assistant