

GAHC010119682016



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

**Case No. : MACApp./265/2016**

SMTI ALAKANANDA BORA and 2 ORS  
W/O LATE DEBAJYOTI BORA, R/O 201/2 MEGHMALLAR HOUSE, N.N.  
BARUAH PATH, RUKMINIGAON, P.O. and P.S. DISPUR, GUWAHATI, PIN  
781006, DIST. KAMRUP M, ASSAM.

VERSUS

SRI MRINAL SAIKIA and 5 ORS  
S/O SRI RAJEN SAIKIA, R/O NATUNGAON, P.O. and P.S. TINSUKIA,  
TINSUKIA, PIN 786125, DIST. TINSUKIA, ASSAM OWNER OF THE VEHICLE  
AS-23/E-3123 MAHINDRA BOLERO

**Advocate for the Petitioner : MR. K DEKA**

**Advocate for the Respondent : MS. R D MOZUMDAR (R3)**

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**14.08.2023**

Heard Shri S. Dey, learned counsel for the appellant whereas Ms. RD Mozumdar, learned counsel has appeared for the respondent no. 3 – Insurance Company.

Though this Court on the last occasion i.e. 14.02.2022 granted time to the Insurance Company to file an affidavit after recording that the respondent no. 5 has

expired, it is submitted that no such affidavit is required. This Court has also been apprised that since the present appeal is for enhancement and the respondent no. 5 was the driver of one of the vehicles, his presence may not be necessary.

Accordingly, the name of the respondent no. 5 is struck off from the array of the parties. It further appears that the appeal is yet to be admitted. However, pursuant to the order dated 06.10.2016, LCR has been received.

Admit.

Ms. RD Mozumdar, learned counsel has already entered appearance on behalf of the respondent no. 3. It is submitted that steps were earlier taken for rest of the respondents, who have chosen not to appear and this Court has already struck off the name of the respondent no. 5.

Since, this appeal is for enhancement in which the contesting Insurance Company is present, no fresh notices may be required for the respondent nos. 1, 2 and 4. As far as the respondent no. 6 is concerned, let steps be taken for service of notice by registered post with A/D as well as by usual process. Steps within three days.

List this case after 6(six) weeks along with service report and report of LCR, whereafter this Court will consider and fix a date for hearing.

**JUDGE**

**Comparing Assistant**