

GAHC010187002018



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

Case No. : MACApp./452/2022

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS NORTH EASTERN REGIONAL OFFICE AT G.S. ROAD,
GUWAHATI-781005, KAMRUP (M), ASSAM, REP. BY THE MANAGER

VERSUS

SMT KANAKLATA JAIN AND 5 ORS
SMT. KANAKLATA JAIN, W/O SHRI PAWAN KUMAR JAIN, R/O COLE ROAD,
NEW MARKET, P.O. AND P.S. DIBRUGARH TOWN, DISTRICT DIBRUGARH,
ASSAM, PIN 786001.

2:FOMRA BULK CARRIERS
(OWNER)
PROPRIETOR
SRI VIJAY FORMA
57
BURTALLA STREET
KOLKATA
WEST BENGAL
PIN 700007

3:THE DIVISIONAL MANAGER
THE NATIONAL INSURANCE CO. LTD.
DIVISIONAL OFFICE NO. XIX
64
SAMBHU CHATTERJEE STREET
KOLKATA
WEST BENGAL
PIN 700007

4:SRI BRIJESH YADAV
S/O SRI RAJENDRA YADAV

PICNIC GARDEN ROAD
KOLKATA
WEST BENGAL
PIN 700039

5:SRI PAWAN KR. JAIN
S/O LATE C.L. JAIN (SARAWGI)
C/O C.L. SARAWGI AND CO.
COLE ROAD
NEW MARKET
DISTRICT DIBRUGARH
ASSAM
PIN 786001

6:THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO. LTD.
DIVISIONAL OFFICE
KHEMKA BUILDING
R.K. BORDOLOI PATH
DISTRICT DIBRUGARH
ASSAM
PIN 78600

Advocate for the Petitioner : MS. R D MOZUMDAR, MS. C MOZUMDAR,MR. S P SHARMA

Advocate for the Respondent : MR. A K GUPTA (R1), MR. B KAKATI (r-3,6),MR. A J SAIKIA (r-3,6),MR K AGARWAL (R1)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

07.05.2026

[1] Heard Ms. R.D. Mozumdar, the learned counsel for the appellant. Also heard Mr. A.K. Gupta, the learned counsel for the respondent No. 1 and Mr. A.J. Saikia, the learned counsel for the respondent Nos. 3 and 6.

[2] On perusal of the Office Note dated

05.09.2026, it appears that notice issued to respondent Nos. 2 and 5 have been duly served on the said respondents. However, notice issued to respondent No. 4 has returned without due service.

[3] Ms. R.D. Mozumdar, the learned counsel for the appellant submits that the respondent No. 4, who is the driver of the vehicle bearing No. AS-06-E-1939 did not appear before the Motor Accident Claims Tribunal also. Hence, she submits that notice against the said respondent may be waived, as his presence may not be necessary for consideration of the instant appeal.

[4] The prayer is allowed.

[5] The appearance of parties is, thus, complete and this case is ready for hearing.

[6] Let this matter be listed on 4th August, 2026.

JUDGE

Comparing Assistant