

GAHC010188572024



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

**Case No. : MACApp./507/2024**

SULEMAN SHEIKH  
S/O. RAHUL AMIN SHEIKH, VILL.- WARD NO. 2 DHEKIAJULI, P/O. AND P/S.  
DHEKIAJULI, DIST. SONITPUR, ASSAM.

VERSUS

MAMTA GUPTA AND 2 ORS  
S/O. RAM BHAWAR GUPTA. VILL. NO. 6 DHEKIAJULI,P/O. AND P/S.  
DHEKIAJULI, DIST. SONITPUR, ASSAM.

2:SRI. HARDWAR SAH  
S/O. LAL BABU SAH  
VILL. WARD NO. 3 DHEKIAJULI  
P/O AND P/S. DHEKIAJULI  
DIST. SONITPUR  
ASSAM

3:CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD.  
4TH FLOOR  
AASTHA PLAZA  
S.B. DEORAH COLLEGE  
ULUBARI  
G.S. ROAD  
OPPOSITE S.D  
ULUBARI  
GUWAHATI  
ASSAM  
PIN-781007

**Advocate for the Petitioner** : MR. K BHATTACHARJEE, S KHAN,MS T BARUAH,MS. A  
BARMAN,ABBASH U AHMED

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

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

**ORDER**

**11.03.2026**

**[1]** Heard Mr. A.U. Ahmed, the learned counsel for the appellant. Also heard Ms. P. Borthakur, the learned counsel for the respondent No. 3.

**[2]** It appears that notice issued to respondent No. 1 has already been duly served. However, as regards respondent No. 2, the learned counsel for the appellant submits that the respondent No. 2, who is the driver of the offending vehicle, has died two years back and the appellant does not have the information regarding the legal heirs of the said respondent. Hence, the appellant is unable to take steps for substituting the legal heirs of the said respondent.

**[3]** Considering the submissions made by the learned counsel for the appellant, it appears that if the respondent No. 2 has expired two years back, the appeal has already abated against him by operation of law.

**[4]** It also appears that in this appeal the appellant is aggrieved mainly with the quantum of compensation awarded to him. Hence, the presence of respondent No. 2, who was the driver of the offending vehicle, may not be necessary in considering the instant

appeal.

**[5]** Hence, this appeal shall proceed in its normal course.

**[6]** It appears from records that this appeal is ready for hearing.

**[7]** Let this matter be listed for hearing on 5<sup>th</sup> May, 2026.

**JUDGE**

**Comparing Assistant**