

GAHC010210192014



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

Case No. : MACApp. 9/2014

1:NATIONAL INSURANCE CO LTD
HAVING ITS REGD. OFFICE AT KOLKATA AND ONE OF THE REGIONAL
OFFICE AT G.S. ROAD, GUWAHATI.

VERSUS

1:JOHMON THANGA KIPA and 7 ORS

2:MISS RAVEENA KIPA

3:MASTER SHAN KIPA
MINOR REPRESENTED THROUGH HIS MOTHER SMTI JOHMAN THANGA
KIPA
NO. 1 IS THE WIDOW
NO. 2 IS DAUGHTER AND NO. 3 IS MINOR SON OF DR. ROBBIN KIPA @
ROBI KIPA
ALL ARE RESIDENTS OF NEAR GAIT MIDDLE SCHOOL.
P.O. CHANGLANG
ARUNACHAL PRADESH.

4:TALAR KIPA @ KIPA TALAR
S/O LATE TAZIT KIPA.

5:SMTI HONGSENG KIPA
W/O SRI TALAR KIPA @ KIPA TALAR
BOTH ARE RESIDENT OF UPPER MIAO
P.O.CHANGLANG
ARUNACHAL PRADESH.

6:SARDAR PARGOT SINGH
R/O BELTOLA
GUWAHATI29 OWNER DRIVER OF TRUCK BEARING NO. AS-01-S-0760

7:SMTI KALPANA DAS
W/O SRI RATNESWAR DAS
R/O DAHOTIA
CHOWK
TINSUKIA

8:SANJIB DAS
S/O SRI RATNESWAR DAS
R/O DAHOTIA CHOWK
TINSUKIA

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : FOR CAVEATOR

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 08-03-2019

Heard Ms. I. Das, learned counsel appearing on behalf of Ms. S. Roy, learned counsel for the appellant.

By the order dated 23.09.2013, the appellant was directed to take steps for service of notice on respondent Nos. 6, 7 and 8 by registered post with A/D within 27.09.2013. Office note dated 16.11.2018 indicated that no steps for service of notice on the respondent Nos. 6 to 8 were taken till that date. When the matter was listed on 12.12.2018, a request was made for 2(two) days' further time for taking steps for service of notice on the respondents by registered post with A/D and it was provided that on failure of such steps, consequential order would follow. As per office note dated 05.03.2019, no steps for service of notice on the respondents has yet been taken on behalf of the appellant.

None has appeared for the other respondents today on call.

The learned counsel for the appellant has prayed that the appellant may be allowed to take steps for service of notice on all the respondents in substituted manner through paper publication. Accepting the said prayer, it is provided that the appellant shall take steps for service of notice on all the respondents in the substituted manner by publishing the notice in two widely circulated English daily newspaper within 1(one) month from today(08.03.2019)- one published from Assam and the other from Arunachal Pradesh. The date of appearance is to be shown as 31.05.2019.

After publication of such notice, the appellant shall file an affidavit annexing of the copies of the newspaper.

List this matter on 31.05.2019. In the event of failure on the part of the appellant to take appropriate steps, consequential order will follow on the next date.

JUDGE

Comparing Assistant