

GAHC010217322018



undefined

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

Case No. : MACApp./30/2019

THE ORIENTAL INSURANCE CO. LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956.
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI-07

VERSUS

ABUL KASHEM AND 2 ORS
S/O LATE JOSHIM UDDIN,
PS BEGAUN, DIST GOALPARA, ASSAM, 783101

2:MD. AMINUL ISLAM
S/O HAJI BEINUDDIN

R/O VILLAGE AND PO CHIBINANG
PHULBARI
PS PHULBARI
DIST EAST GARO HILLS
MEGHALAYA
794104

3:SAKMAN ALI
S/O LATE AZGAR ALI

VILLAGE BOLBARI

PS PHULBARI
DIST EAST GARO HILLS
MEGHALAYA
79410

Advocate for the Petitioner : MR. S K GOSWAMI, MR. R SHARMA

Advocate for the Respondent : MD. B ISLAM, MR S HUSSAIN,MR. A A MONDAL

**BEFORE
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA**

ORDER

Date : 25.02.2026

Heard Ms. P. Sharma, learned counsel for the appellant and also heard Md. B. Islam, learned counsel for the respondent No. 1.

It appears from the record that although steps have been taken more than once, for service of notice upon the respondent Nos. 2 & 3 were respectively done owner and driver of the offending vehicle. The service reports in respect of the said respondents have not been received back.

It appears that from the given address that the said respondents Nos. 2 & 3 are residents of East Garo Hills. It also appears that earlier unserved notice on behalf of respondent No.3 was received back with a postal remark "not found" and the appellant was directed to furnish proper address which is yet to submitted.

Under such circumstances, issue fresh notice to the respondent Nos. 2 & 3 through the learned District & Sessions Judge, East Garo Hills, Meghalaya by speed post with A/D who is requested to effect service upon the said respondents. It is further appears that the appellant insurance company had deposited Rs. 25,000/- before the Registry while preferring the instant appeal.

The respondent No.1 is permitted to withdraw 50% of the said amount from the Registry.

The Registry is directed to release the said amount after obtaining proper undertaking/bond and verification.

List the matter after 4(four) weeks.

Communicated copy of this order to the learned District & Sessions Judge East Garo Hills, Meghalaya.

JUDGE

Comparing Assistant