

GAHC010319312019



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

Case No. : I.A.(Civil)/99/2020

NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW INDIA ASSURANCE BUILDING
87, MAHATMA GANDHI ROAD, MAHATMA GANDHI ROAD, MUMBAI AND
ONE OF THE REGIONAL OFFICE AT ULUBARI, GUWAHATI.

VERSUS

ABED ALI and 5 ORS
S/O LATE HAZARAT ALI, R/O VILL. KAWRPARA, P.O. SUKAMANAH, P.S.
AND DIST. BARPETA, ASSAM.

2:ON THE DEATH OF ABDUS SALAM HIS LEGAL HEIRS AYESHA KHATUN
W/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

3:LOKMAN ALI
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

4:SHARUK ALI
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

5:SAIFUL ISLAM
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM.

6:NUR AHMED
S/O LATE ABDUS SALAM
R/O AT VILL. ITERVITA
P.O. BARBALA
P.S. AND DIST. BARPETA
ASSAM

Advocate for the Petitioner : MR. R K BHATRA, MR. A SAIKIA

Advocate for the Respondent : ,

BEFORE
DEPUTY REGISTRAR (BENCH) - MR. SAPTARSHI DAS

ORDER

Date : 25.10.2024

Case taken up before the Lawazima Court.

Learned counsel Ms. A. Magar appears on behalf of Mr. R.K. Bhatra, learned counsel for the appellant.

Perused the records.

Seen the office note dated 11.03.2024, wherein, it has been states that notice was issued to the respondent Nos. 1, 2(a), 2(b), 2(c), 2(d), 2(e) by registered post with A/D as well as by usual process on 21.04.2021 & 03.09.2021 respectively.

Now, in respect of the both notices issued through registered post with A/D as well as by usual Court process to the respondent Nos. 1 & 2(a) to 2(e), the following facts have been observed:—

In respect of the notice issued by Registered post with A/D:—

It appears that no A/D cards or un-served notices have been received by the concerned

section till date. Besides the aforesaid, it seems that the postal track consignment details are also not available in respect of the respondents mentioned above.

In respect of the notice issued by usual process:-

It appears that the process server's reports of respondent Nos. 2(a), 2(b), 2(c), 2(d), 2(e) have been received back. However, in respect of the respondent No. 1, no service report has been received by the concerned section till date.

Next, the service reports of the respondent Nos. 2(a) to 2(e) are carefully perused and upon such perusal, it has been observed that:-

R2(a), R2(c), R2(d) & R2(e):- As per the process server's report, the respective notices of respondent Nos. 2(a), 2(c), 2(d) & 2(e) have been received by the respondent No. 2(b), namely, "Lokman Ali" [*respondent No. 2(b) is the son of respondent No. 2(a) and the brother of respondent Nos. 2(c), 2(d) & 2(e)*], on their behalf.

R2(b):- Notice in respect of the respondent No. 2(b) has been received by the respondent himself.

In view of the observations made above, it may be said that **service in respect of the respondent Nos. 2(a) to 2(e) has been completed.**

Further, it has been observed that the notice in respect of the respondent No. 1 has not been affected as of yet. As such, **the appellant is directed to take fresh steps for service of notice upon the respondent No. 1 by registered post with A/D as well as by usual Court process through the office of the learned Civil Judge (Junior Division), Barpeta, within 7 (seven) days from the date of this order.**

Let the matter be listed again before the Lawazima Court in the third week of November, 2024.

Deputy Registrar (Bench)

Comparing Assistant