

GAHC020002792026



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

Case No. : I.A.(Civil)/72/2026

UNION OF INDIA
THROUGH THE MILITARY SECRETARY, IHQ OFMOD (ARMY), DELHI - 110011

VERSUS

MAJOR LAUV KUMAR
SS-48893W, HQ IGAR (NORTH) D BLOCK, KOHIMA PIN - 932555, C/O 99APO

Advocate for the Petitioner : MHASILEZO ROTE,

Advocate for the Respondent : ,

**BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 28.04.2026

Heard learned CGSC, Mr. Yangerwati for the applicant. Also heard Major Lauv Kumar, the respondent-in-person.

2. We also record the presence of Major, Nishchay Vyas, Asst. CLO Representative of Directorate General Assam Rifles, through video conferencing mode, who requests for an audience. As the Union of India is represented by the learned CGSC, audience to Major Nishchay Vyas is refused.

3. The respondent in person submits that an advance copy of this interlocutory application has not been served on him. In this regard, the learned CGSC has produced a copy of a letter sent to the respondent in person through e-mail on 27.04.2026, informing him that the interlocutory application for impleadment would be taken up as an unlisted item on 28.04.2026. He submits that as the interlocutory application was not filed and numbered, the copy of the interlocutory application could not be served on the respondent in person.

4. We take a strong exception to the said submissions made by the learned CGSC. It is well-settled practice in this Court that at the time of filing, even without the case numbers being provided by the Registry, advance copy is required to be served on the Government Advocates, CGSC or any other standing counsel who may be appearing for the concerned respondents. Therefore, if advance copy of a notice dated 27.04.2026 can be sent and served to the respondent-in-person through e-mail, the advance copy of the interlocutory application could also have been served in the same manner and mode to the respondent in person before listing of hearing. It may be mentioned that a copy of the interlocutory application has been served on the respondent in Court.

5. The respondent in person submits that the matter is listed for hearing on 04.05.2026 and, therefore, he prays that this interlocutory application be taken up then.

6. The Court is inclined to refer to the provision of Rule 15 of Chapter IV of the Gauhati High Court Rules requiring that *no*

affidavit shall ordinarily be read at the hearing of any appeal, application or other proceeding unless a copy thereof has been served upon the other party or his Advocate 24 hours before such hearing: other party or his Advocate 24 hours before such hearing. Moreover, as per Rule 7D of Chapter V-A of the Gauhati High Court Rules, *copies of the application and all documents in support of the plea for vacation shall be furnished to the party in whose favour such an order has been made or the counsel of such party.* Therefore, as the copy of the application has been served on the respondent in person in Court at about 2.45 PM the matter cannot be taken up today.

7. Accordingly, list the matter for consideration on 30.04.2026.

Sd/-
JUDGE

Comparing Assistant