

GAHC010065922023



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

Case No. : I.A.(Civil)/841/2023

ON THE DEATH OF ELI DEVI, W/O LATE DEBA KANTA SARMA,
BEING REPRESENTED BY HER LEGAL HEIRS SRI PRANJAL KUMAR
BORTHAKUR, S/O LATE DEBA KANTA SARMA, R/O VILLAGE GEDARBARI,
P.O. JAMUGURI, P.S. JAJORI, DIST. NAGAON, ASSAM, PIN 782142.

2: PANKAJ KUMAR BORTHAKUR

S/O LATE DEBA KANTA SARMA
R/O VILLAGE GEDARBARI
P.O. JAMUGURI
P.S. JAJORI
DIST. NAGAON
ASSAM
PIN 782142.

3: SRI UJJAL BORTHAKUR

S/O LATE DEBA KANTA SARMA
R/O VILLAGE GEDARBARI
P.O. JAMUGURI
P.S. JAJORI
DIST. NAGAON
ASSAM
PIN 782142.

4: SMTI. DIPALI BHATTACHARYYA
W/O LATE PROBODH CHANDRA BHATTACHARYYA
R/O VILLAGE HATBOR AKRUHICHUK
P.O. JAKHALABANDHA
P.S. KALIABOR
DISTRICT NAGAON
ASSAM
PIN 782136.

5: SMT. BANTI BORTHAKUR

R/O HOUSE NO. 44
BAGHORBORI CHANEKI PATH
PANJABARI
P.O. BAGHORBORI
DISTRICT KAMRUP (METROPOLITAN)
PIN 781037

VERSUS

SRI DINESH SAGAR GUPTA and 4 ORS
S/O PREM SAGAR GUPTA, PERMANENT R/O 49/5 KARL MARX SARANI,
KOLKATA 700023, TEMPORARY ADDRESS A.G. ROAD, MOKAKCHUNG,
NAGALAND OWNER OF VEHICLE NO. NL-02/D-9157.

2:BILAL ALI

S/O BASAH ALI
R/O VILL. BHIRA GAON
P.S. BARPETA
DIST. BARPETA
ASSAM
PIN 781301

3:THE NATIONAL INSURANCE CO. LTD.

REPRESENTED BY ITS BRANCH MANAGER
KOLKATA BRANCH
6A
SAMBHU CHATTERJEE STREET
KOLKATA 700007
WEST BENGAL INSURER OF VEHICLE NO. NL-02/D-9157

4:SMTI ANJALI RAJKHOWA

W/O SRI BAKUL CHANDRA RAJKHOWA
R/O VILL. NO. 2 GEDARBARI
P.O. JAMUGURI
P.S. JAJARI
DIST. NAGAON
ASSAM
PIN 782142

5:THE NEW INDIA ASSURANCE CO. LTD.

2ND FLOOR
JEEWAN DEEP BUILDING

8 PARLIAMENT STREET
NEW DELHI 110001
INSURER OF VEHICLE NO. AS-02/C-909

Advocate for the Petitioner : MR.P D NAIR

Advocate for the Respondent : MR. A J SAIKIA

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 12.02.2024

Heard Mr. S.K.Ghosh, learned counsel for the applicant and Mr. A.Acharya, learned counsel for opposite party No.5. Also heard Mr. AJ Saikia, learned counsel for the opposite party insurance company.

By this interlocutory application under Order XXII Rule 3 of the CPC, the applicant has prayed for substitution of the legal heirs of the deceased applicant/ appellant in the connected MAC Appeal 237/2015.

The insurance company has filed an objection stating that the present legal heirs are not dependents upon the deceased applicant/appellant.

I have considered the submissions made by both parties.

The objection raised by the insurance company shall be considered at the time of hearing of main appeal.

The application for substitution of the legal heir of sole applicant has been filed within time and therefore, the prayer of the applicant is allowed.

The names of legal heirs of the deceased applicant/appellant are mentioned in paragraph 2 of the application and they shall be impleaded in her place in title page of memo of appeal.

Registry shall do the needful.

The interlocutory application stands disposed of.

JUDGE

Comparing Assistant