GAHC010006082013

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

I.A.(Civil)/872/2023
in MACApp. 225 of 12

NATIONAL INSURANCE CO LTD
HAVING ITS REGISTERED OFFICE AT MIDDLETON STREET
KOLKATA AND ONE OF THE REGIONAL OFFICE
G.S. ROAD BHANGAGARH
GUWAHATI-5
HAVING ONE OF ITS DIVISIONAL OFFICE AT JORHAT AND A BRANCH OFFICE AT GOLAGHAT.

VERSUS

RAMANANDA DAS 4 ORS
S/O LATE GOPAL DAS
R/O RAJABARI GAON
DIST. GOLAGHAT
ASSAM.

2:ON THE DEATH OF BIMAL KUMAR BORAH
HIS LEGAL HEIRS AND REPRESENTATIVES WITH THEIR PLACE OF DWELLING
2.1:SMTI. MINJU BORAH
W/O LATE BIMAL KUMAR BORAH
R/A RAJAHOLI
SONARI GAON
P.O.-KOROKATALI
DIST-JORHAT (ASSAM)
2.2:KOUSHIK KUMAR BORAH
S/O LATE BIMAL KUMAR BORAH
R/A RAJAHOLI
SONARI GAON
P.O.-KOROKATALI
DIST-JORHAT (ASSAM)

3:HEMO CHAUHAN
S/O LATE BIPIN CHAUHAN
R/O UAJANI BHAKAT
POMUA GAON
JORHAT (ASSAM)
4:MIGAM CHANDRA MEDAK
S/O LATE RAM CHANDRA MEDAK
R/O DUKHUTIMUKH
DIST-GOLAGHAT
ASSAM
5:NEW INDIA ASSURANCE CO. LTD.
HAVING ITS NORTH EASTERN REGIONAL OFFICE AT G.S. ROAD
GUWAHATI
DIST-KAMRUP
ASSAM

Advocate for : MR. R K BHATRA
Advocate for : MR. R GOSWAMI appearing for RAMANANDA DAS 4 ORS

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 19.02. 2024

Heard Ms. P. Huzuri, learned counsel for the applicant/appellant and Ms. P. Borthakur, learned counsel for the respondent No. 5. Also heard Mr. M. Dutta, learned counsel for the respondent No. 4.

This is an application filed under Order 22 Rule 4 read with Section 151 of the Code of Civil Procedure for substituting the legal heirs and representatives of the deceased respondent No. 2 i.e. late Bimal Kumar Borah pursuant to the order dated 05.12.2022 passed in analogous appeal permitting substitution of legal representatives of respondent No. 2 and prays accordingly.

The prayer is allowed.

The appellant is allowed to substitute the opposite Party No. 2 late Bimal Kumar Borah by substituting Smti Minju Borah wife of late Bimal Kumar Borah as respondent No. 2(a) and Sri Koushik Kumar Borah as respondent No. 2(b), resident of Rajaholi, Sonari Goan, P.O. Korokatali, District- Jorhat, Assam.

The applicant shall take steps upon the newly impleated respondent Nos. 2(a) and 2(b) by a registered post with A/D within three days from today.

The I.A. stands allowed and disposed of.

Registry is directed to correct the cause title in the connected appeal.

JUDGE

Comparing Assistant