

Party Name : THE NEW INDIA ASSU. CO. LTD Vs SMT. DAIBAKI CHAKMA @ DAIBAKI ROY & ORS

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

Heard.

On 24.02.2015 this Court had passed the following order :

“Despite repeated opportunities being granted, no steps have been taken to bring on record the legal representative of Sri Sudhangshu Roy, respondent No.3.

At the request of Mr. A. Gon Choudhury, last opportunity of six weeks is granted to do the needful.

It is made clear that if steps for bringing on record the legal representative of Sri Sudhangshu Roy are not taken within six weeks, this application for condonation of delay as well as the appeal [MFA (W/C) No. 8 of 2014] shall be dismissed for non-prosecution.”

Therafter the matter was taken up yesterday and adjourned to today since Mr. A Gon Choudhury was not present yesterday.

It is stated by Mr. Choudhury that immediately after the order dated 24.02.2015 was passed he had apprised the insurance company about the order. He also submits that he has been informed by the insurance company that the wife of the deceased respondent No.3 has left Agartala and has shifted to Kolkata and therefore, the insurance company could not find out her address.

The matter has been pending for service of respondent No.3 since 12.9.2014. The insurance has already had more than 6 months to trace out the address of the legal heirs of deceased respondent No.3. Therefore, the instant application is dismissed for non-prosecution.