GAHC010234492026

2026:GAU-AS:16503

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

Case No. : CRP(IO)/581/2026

ELBINGSTON SANGMA AND 5 ORS
SON OF LATE GALLENDRA MOMIN, RESIDENT OF VILLAGE- NIAPOLI,
P.O.- DUDHNOI, P.S.- DUDHNOI, DISTRICT OF GOALPARA, ASSAM,
REPRESENTED BY THE HIS AUTHORIZED REPRESENTATIVE AND
LAWFUL ATTORNEY, RAJESH KUMAR JALAN (PETITIONER NO. 6)

2: BREPILLA SANGMA
DAUGHTER OF LATE GALLENDRA MOMIN
RESIDENT OF VILLAGE- NIAPOLI
P.O.- DUDHNOI
P.S.- DUDHNOI
DISTRICT OF GOALPARA
ASSAM
REPRESENTED BY THE HIS AUTHORIZED REPRESENTATIVE AND
LAWFUL ATTORNEY
RAJESH KUMAR JALAN (PETITIONER NO. 6)

3: SMTI. SUKILA SANGMA
DAUGHTER OF LATE GALLENDRA MOMIN
RESIDENT OF VILLAGE- NIAPOLI
P.O.- DUDHNOI
P.S.- DUDHNOI
DISTRICT OF GOALPARA
ASSAM
REPRESENTED BY THE HIS AUTHORIZED REPRESENTATIVE AND
LAWFUL ATTORNEY
RAJESH KUMAR JALAN (PETITIONER NO. 6)

4: SMTI. JENITHA SANGMA
DAUGHTER OF LATE GALLENDRA MOMIN
RESIDENT OF VILLAGE- NIAPOLI
P.O.- DUDHNOI
P.S.- DUDHNOI
DISTRICT OF GOALPARA

ASSAM
REPRESENTED BY THE HIS AUTHORIZED REPRESENTATIVE AND LAWFUL ATTORNEY
RAJESH KUMAR JALAN (PETITIONER NO. 6)

5: SMTI. LABONNA SANGMA
DAUGHTER OF LATE GALLENDRA MOMIN
RESIDENT OF VILLAGE- NIAPOLI
P.O.- DUDHNOI
P.S.- DUDHNOI
DISTRICT OF GOALPARA
ASSAM
REPRESENTED BY THE HIS AUTHORIZED REPRESENTATIVE AND LAWFUL ATTORNEY
RAJESH KUMAR JALAN (PETITIONER NO. 6)

6: RAJESH KUMAR JALAN
SON OF LATE LAKSHMI NARAYAN JALAN
RESIDENT OF HOUSE NO. 17
CHITRALEKHA LANE
P.O.- DISPUR
P.S.- DISPUR
GUWAHATI- 06
DISTRICT- KAMRUP (METRO)
ASSA

VERSUS

M/S EASTERN ROAD CARRIERS AND 6 ORS
A REGISTERED PARTNERSHIP FIRM, REGISTERED OFFICE AT A.T. ROAD, SIKARIA BUILDING, F. NO.- 2, P.S.- BHARALUMUKH, GUWAHATI- 781009, DISTRICT- KAMRUP (METRO), ASSAM AND ITS BRANCH OFFICE AT BETKUCHI, N.H.- 37 HIGHWAY, LOKHRA CHARIALI, OPPOSITE D.T.O. OFFICE, P.O.- SAWKUCHI, P.S.- GORCHUK, GUWAHATI-34, DIST- KAMRUP (M), ASSAM AND IT IS REPRESENTED BY ITS MANAGING PARTNER SRI RAVINDRA KUMAR MITTAL

2:RAVINDRA KUMAR MITTAL
SON OF SRI RAM AVATAR MITTAL
OFFICE CUM RESIDENT - EASTERN ROAD CARRIERS
P-9
NEW C.I.T. ROAD
KOKATA- 700072
WEST BENGAL

3:GUPTA FAMILY TRUST
REPRESENTED BY ITS TRUSTEES PUSHPA DEVI GUPTA
DINESH KUMAR GUPTA

MAHESH KUMAR GUPTA AND NARESH KUMAR GUPTA
RESIDENT OF KEDAR ROAD
GUWAHATI CITY
P.S.- BHARALUMUKH
GUWAHATI- 09
DISTRICT- KAMRUP (METRO)
ASSAM

4:SMTI. PUSPA DEVI GUPTA
WIFE OF LATE R. K. GUPTA
RESIDENT OF KEDAR ROAD
GUWAHATI CITY
P.S.- BHARALUMUKH
GUWAHATI- 09
DISTRICT- KAMRUP (METRO)
ASSAM

5:DINESH KUMAR GUPTA
SON OF LATE R. K. GUPTA
RESIDENT OF KEDAR ROAD
GUWAHATI CITY
P.S.- BHARALUMUKH
GUWAHATI- 09
DISTRICT- KAMRUP (METRO)
ASSAM

6:MAHESH KUMAR GUPTA
SON OF LATE R. K. GUPTA
RESIDENT OF KEDAR ROAD
GUWAHATI CITY
P.S.- BHARALUMUKH
GUWAHATI- 09
DISTRICT- KAMRUP (METRO)
ASSAM

7:NARESH KUMAR GUPTA
SON OF LATE R. K. GUPTA
RESIDENT OF KEDAR ROAD
GUWAHATI CITY
P.S.- BHARALUMUKH
GUWAHATI- 09
DISTRICT- KAMRUP (METRO)
ASSA

Advocate for the Petitioner : L K BORAH,

Advocate for the Respondent : ,

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

11.11.2026

Heard Mr. L.K. Borah, the learned counsel appearing for the petitioners.

2. This is an application under Article 227 of the Constitution of India challenging the order dated 10.03.2026 passed by the learned Civil Judge (Sr. Divn.) No.2, Kamrup (M) at Guwahati in Title Suit No.239/2020.

3. In the suit before the trial court, the petitioners were directed to publish the summonses upon the respondent nos.3 to 7 in the newspaper. The petitioners could not do so.

4. Therefore, the suit against the respondent nos.3 to 7 was dismissed.

5. I have considered the submissions made by Mr. Borah.

6. This Court is of the opinion that the petitioners should be given another opportunity to publish the summonses upon the respondent nos.3 to 7 in the newspaper.

7. Therefore, the impugned order dated 10.03.2026 is set aside. The learned Civil Judge (Sr. Divn.) No.2, Kamrup (M) at Guwahati is directed to provide another opportunity to the petitioners to publish the summonses upon the respondent nos.3 to 7 in the newspaper. Only single opportunity shall be provided. After that, trial court shall proceed to dispose of the case in accordance with the procedure as laid down by law.

With the aforesaid direction, the present petition is disposed of.

JUDGE

Comparing Assistant