

GAHC010005022016



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

Case No. : MACApp. 338/2018

1:THE RELIANCE GENERAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE and HEAD OFFICE AT RECTIFIER HOUSE
570, NIGAM CROSS ROAD RD, WALDHA MUMBAI 400031 AND ITS BRANCH
OFFICE AT ANIL PLAZA ABC GS ROAD GUWAJATI 781005 REP BY THE
MANAGER GUWAHATI OFFICE

VERSUS

1:SMTI AINA BALA ROY
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY
VILL RATIADAHA PART II PO RATIADAHA PS GOLKGANJ DIST DHUBRI
ASSAM

2:KRISHNA ROY
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY VILL RATIADAHA PART
II PO RATIADAHA PS GOLKGANJ DIST DHUBRI ASSAM

3:BISHNU ROY
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY VILL RATIADAHA PART
II PO RATIADAHA PS GOLKGANJ DIST DHUBRI ASSAM

4:RADHIKAR ROY
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY VILL RATIADAHA PART
II PO RATIADAHA PS GOLKGANJ DIST DHUBRI ASSAM

5:SUBRATA MUKERJEE
LATE KALYAN KUMAR MUKHERJEE
RO VILL GOSANI ROAD DINHATA DIST COOCH BEHAR WEST BENGAL

6:NOOR ISLAM
SO BASIRUDDIN MIAH
RO VILL BORO ATHIABARI
PS DINHATA DIST COOCH BEHAR WEST BENGAL

Advocate for the Petitioner :

Advocate for the Respondent :

Linked Case : I.A.(Civil) 1533/2018

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HAVING ITS REGISTERED OFFICE and HEAD OFFICE AT RECTIFIER HOUSE
570
NIGAM CROSS ROAD RD
WALDHA MUMBAI 400031 AND ITS BRANCH OFFICE AT ANIL PLAZA ABC
GS ROAD GUWAJATI 781005 REP BY THE MANAGER GUWAHATI OFFICE
ANIL PLAZA
G.S. ROAD GUWAHATI- 781005

VERSUS

1:SMTI AINA BALA ROY AND 5 ORS
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY VILL RATIADAHA PART II
PO RATIADAHA PS GOLKGANJ DIST DHUBRI ASSAM

2:KRISHNA ROY
LATE LAKHI KANTA ROY @ LAXMI KANTA ROY VILL RATIADAHA PART II
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Advocate for the Petitioner : MR. R GOSWAMI

Advocate for the Respondent : MR. U C RABHA

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

29.08.2019

Parties are represented by their respective counsels.

The sole question to be determined is as to whether the Insurance company will be liable to indemnify to the owner of the vehicle since the policy was subscribed on 26.11.2007 at 1.00 P.M. and to be effective from 1.00 P.M. of 27.11.2007 while the accident occurred at 5.15 P.M. on 26.11.2007.

Mr. U.C. Rabha, the learned counsel for the owner of the accident vehicle submits that the owner has been subscribing the Insurance policy from the same Insurance company even on earlier occasion as well and therefore, there being no break, the effective time given in the Insurance policy may not be material and the insurance company will be liable. When asked to produce a copy of the earlier Insurance policy, Mr. Rabha submits that he may have to get instructions from his client, who is a resident of West Bengal. He, therefore prays for a months' time to obtain instructions.

List this case again after a month to enable Mr. U.C. Rabha to produce a previous Insurance policy.

JUDGE

Comparing Assistant