

GAHC010085592026



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

Case No. : I.A.(Civil)/1455/2026

LIFE INSURANCE CORPORATION OF INDIA
BRANCH OFFICE AT KACHARIGAON, TREBENI COMPLEX, TEZPUR TOWN,
TEZPUR- 784001, DIST- SONITPUR, ASSAM, REPRESENTED BY BRANCH
HEAD

VERSUS

SMTI. SIPRA DAS AND 2 ORS.
W/O ASIT RANJAN DAS, R/O AKASHAYA KUTRI, MAHABHAIRAB TEMPLE
ROAD, MOUZA- MAHABHAIRAB, P.O. AND P.S.- TEZPUR, DIST- SONITPUR,
ASSAM

2:SMTI. SHALINI DAS
D/O ASIT RANJAN DAS
R/O AKASHAYA KUTRI
MAHABHAIRAB TEMPLE ROAD
MOUZA- MAHABHAIRAB
P.O. AND P.S.- TEZPUR
DIST- SONITPUR
ASSAM

3:ARJUN DAS
S/O ASIT RANJAN DAS
R/O AKASHAYA KUTRI
MAHABHAIRAB TEMPLE ROAD
MOUZA- MAHABHAIRAB
P.O. AND P.S.- TEZPUR
DIST- SONITPUR
ASSA

Advocate for the Petitioner : MS R NATH, MR K BISWAKARMA

Advocate for the Respondent : ,

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 03.06.2026

Heard Mr. K. Biswakarma, learned counsel for the applicant.

In view of office note dated 01.06.2026, the learned counsel for the applicant has submitted that is the insured person had gone missing on 04.06.2012 and that his dead body was never recovered. It was also submitted that the said missing person/ insured had paid only one yearly premium on 26.02.2010, the day when the policy was made. The second insurance premium, which was due on 26.02.2011 was not paid and therefore, the policy had lapsed. It is submitted that in the meantime, an execution proceeding which is registered as T. Ex. Case No. 53/2025 is progressive in the Court of learned Civil Judge (Junior Division) No. 1, Sonitpur at Tezpur, if the decretal amount is recovered in an execution, the matter would become infructuous.

It is submitted that in this respect another interlocutory application has been filed under Order XLI Rule 5 CPC. However, as the delay has not been condoned in this application and neither the appeal under Section 100 CPC nor the application under Order XLI Rule 5 CPC has been registered.

Accordingly, as prayed for, the Court permits the applicant to file an appropriate application for stay of the execution.

List again on 15.06.2026.

JUDGE

Comparing Assistant