

GAHC010122252021



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

Case No. : I.A.(Civil)/1233/2021

LAKHMI DAS
W/O. LATE AJIT KUMAR DAS, R/O. VIP, JOGIPARA, P.S. AZARA, DIST
KAMRUP(M), ASSAM

VERSUS

THE RELIANCE GENERAL INSURANCE CO. LTD.
HAVING ITS REGD. HEAD OFFICE AT 19, RELIANCE CENTRE, WALCHAND
HIRACHAND MARG, BALLARD ESTATE, MUMBAI- 400001 AND
CORPORATE OFFICE AT 570, RECTIFIER HOUSE, NAGAUM CROSS, NEXT
TO ROYAL INDUSTRIAL ESTATE, WADALA (W), MUMBAI- 400031 AND ONE
OF THE BRANCH OFFICE AT ANIL PLAZA, 5TH FLOOR, G.S. ROAD,
BHANGAGARH, GHY- 5

Advocate for the Petitioner : MR D MONDAL

Advocate for the Respondent : MR. R GOSWAMI

Linked Case : MACApp./87/2015

RELIANCE GENERAL INSURANCE CO. LTD
HAVING ITS REGISTERED OFFICE and HEAD OFFICE AT RECTIFIER HOUSE
570
NIGAM CROSS ROD
RD WADALA
MUMBAI 400031 AND ITS BRANCH OFFICE AT ANIL PLAZA
ABC
G.S. ROAD
GUWAHATI 781005 REPRESENTED BY THE MANAGER
GUWAHATI OFFICE
ANIL PLAZA

G.S. ROAD
GUWAHATI 781005

VERSUS

LAKHIMI DAS and 4 ORS.
W/O SRI AJIT KUMAR DAS

2:AJIT KUMAR DAS FATHER

3:MISS POOJA DAS SISTER
D/O SRI AJIT KUMAR DAS
ALL ARE THE RESIDENTS OF VIP
JOGIPARA
P.S. AZARA
DIST KAMRUP
ASSAM.

Advocate for : MR.R GOSWAMI
Advocate for : appearing for LAKHIMI DAS and 4 ORS.

BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 31-08-2021

Heard the learned counsel, Mr. D. Mondal appearing for the applicant. Also heard the learned counsel Mr. R. Goswami appearing for the opposite party/insurance company.

This interlocutory application has been filed under section 152 of the Code of Civil Procedure for amendment of the judgment and order passed by this Court on 05.04.2021 in MAC Appeal No. 87 of 2015.

The applicant submits that in the aforesaid judgment nothing was awarded under the non-conventional head. Therefore, the applicant prays that Rs. 15,000/- should be awarded for "Loss of Estate" and another amount of Rs. 15,000/- should be awarded on account of "Funeral Expenses".

Mr. Goswami, learned counsel appearing on behalf of the insurance company submits that the insurance company would have no objection if the aforesaid amounts are awarded in

addition to the earlier awarded amount of Rs. 14,81,760/-.

After hearing both sides, the prayer of the applicant is allowed. Apart from the awarded amount, the claimant shall be entitled to another amount of Rs. 30,000/-.

The applicant has already received Rs. 12,35,000/-. Therefore, the applicant shall be entitled to receive the remaining amount with interest @ 6% per annum from the date of filing of the claim petition.

The interlocutory application is disposed of

JUDGE

Comparing Assistant