

GAHC010014232015



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

Case No. : WP(C)/3017/2015

MRS. BAKUL ROY
W/O LT. NITINDRA NATH ROY, R/O SANKAR MISSION ROAD, OLD POST
OFFICE GALI, NAGAON TOWN, P.O. NAGAON, P.S. and DIST- NAGAON,
ASSAM, PIN-782001

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. and 4 ORS
REGD. AND HEAD OFFICE REP. BY THE CHAIRMAN CUM MANAGING
DIRECTOR, NEW INDIA ASSURANCE BUILDING, 87, MAHATMA GANDHI
ROAD, FORT MUMBAI-01

2:THE REGIONAL MANAGER
NEW INDIA ASSURANCE CO. LTD.
NORTH EASTERN REGIONAL OFFICE
G.S. ROAD
BHANGAGARH
GHY-5
ASSAM

3:THE DIVISIONAL MANAGER
NEW INDIA ASSURANCE CO. LTD.
OPP. TO NAME CARE HOSPITAL
G.S. ROAD
BHANGAGARH
GHY-5
ASSAM

4:THE BRANCH MANAGER
NEW INDIA ASSURANCE CO. LTD.
JOGANNATH MANDIR ROAD
NAGAON TOWN

NAGAON
ASSAM
PIN-782001

5:THE INSURANCE OMBUDSMAN
REP. BY THE SECY. FOR THE STATE OF ASSAM
MEGHALAYA
MANIPUR
MIZORAM
ARUNACHAL PRADESH
NAGALAND AND TRIPURA
C/O JEEVAN NIVESH
5TH FLOOR
NEAR PANBAZAR OVER BRIDGE
S.S.ROAD
GHY-1
ASSA

For the petitioner (s) : Mr. A. K. Purkayastha, Advocate

For the respondent (s) : Mr. S. Dutta, Senior Advocate
Mr. C. Sarma, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

03.01.2024

The instant writ petition has been filed by the petitioner being aggrieved on the repudiation of the insurance claim by the respondent Insurance Company as well as the judgment and order dated 10.09.2013 passed by the learned Insurance Ombudsman in Complaint Case No.11-G1-076/12-13 and also seeking a direction upon the respondent Insurance Company to pay the said claimed amount to the petitioner.

2. Upon hearing the matter at length, it transpires that various factual aspects would be required to be adjudicated upon and these aspects

cannot be adjudicated under Article 226 of the Constitution taking into account that various disputed questions of facts have to be adjudicated upon. The petitioner, therefore, would be well advised to approach the appropriate forum wherein the factual aspects can be determined.

3. Taking into account the above, this Court is not inclined to entertain the instant writ petition.

4. Be that as it may, taking into account that the petitioner has been bonafidely pursuing the instant writ proceedings since 21.05.2015 till date, the period from 21.05.2015 till date, shall be excluded while computing the period of limitation in preferring such proceedings as available under the law.

JUDGE

Comparing Assistant