

Sl.27
10.06.2025
Court No.6
BP

C.O. 1930 of 2025

Reliance General Insurance Co. Ltd.
-versus-
Shri Supati Ghorui & Ors.

Mr. Soumalya Ganguli
Mr. Md. Siraj Munir
... for the petitioner

Mr. N. Maity
..for the opposite parties

The learned advocate appearing for the opposite parties submits that opposite party nos. 1 and 2 have already died. He submits that Subho Ghorui and Sujit Ghorui are the legal heirs of the deceased opposite party nos. 1 and 2.

The learned advocate appearing for the petitioner is given liberty to amend the cause title of the civil revisional application.

This application under Article 227 of the Constitution of India is at the instance of an insurance company and is directed against an order dated 12th February, 2025 and 2nd April, 2025 passed by the learned Additional District and Sessions Judge, 1st Court at Alipore, South 24 Parganas in M.A.C.C. No. 88 of 2012.

By the order dated 12th February, 2025 the prayer of the petitioner for adducing evidence stood rejected. The petitioner thereafter filed an application

under Section 151 of the Code of Civil Procedure which also stood rejected by the order dated 2nd April, 2025.

Mr. Ganguli, learned advocate appearing for the petitioner submits that unless the insurance company is allowed to adduce evidence in this proceeding, the insurance company shall suffer irreparable loss and injury.

The learned advocate appearing for the claimants/opposite parties vehemently opposes the prayer of Mr. Ganguli. He submits that the motor accident claim case was filed as far back in the year 2012 and till date the claimants have not been allowed to get the compensation amount.

However, after hearing the learned advocates for the respective parties this Court is of the considered view that a last opportunity should be granted to the insurance company to adduce evidence upon certain terms and conditions.

The learned advocate for the opposite parties submits that the next date in the claim case has been fixed on 11th July, 2025.

In the event the petitioner pays separate account payee cheques of Rs. 10,000/- each drawn in the name of the opposite party nos. 3 and 4 on or before June 27, 2025, the petitioner shall be allowed to adduce evidence in the said claim case.

The learned Additional District and Sessions Judge, 1st Court at Alipore, South 24 Parganas is requested to make an endeavour to see that the Motor Accident Claim Case No. 88 of 2012 is disposed of as expeditiously as possible but preferably on or before September 19, 2025 without granting any unnecessary adjournments to either of the parties.

It is, however, made clear that in the event the petitioner fails to pay the amount as directed within the time limit indicated hereinbefore, the petitioner shall not be allowed to adduce any evidence and this order shall stand automatically recalled without any further reference to this Court.

With the above observations and directions, C.O. 1930 of 2025 stands disposed of.

No order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)