

Assam Schedule VII, Form No. 132.

HIGH COURT FORM NO. (J) 2

HEADING OF JUDGMENT IN ORIGINAL SUIT.

District :- Bongaigaon.

IN THE COURT OF CIVIL JUDGE :::: BONGAIGAON.

**Present :- Sri S. Das.
Civil Judge,
Bongaigaon.**

Tuesday, 10th day of April, 2013.

Title Suit No. 6 of 2001

1. Smt Mamoni Choudhury and another

Plaintiffs

VERSUS

1. Sri Pradip Kr Choudhury and 4 other

Defendants

This suit coming for final hearing on 20.03.2013

(I) Given date or dates
in the presence of

Mr. D. C. Nath

Advocate for Plaintiffs

Mr S. Kr. Sarkar

Advocate for Defendants.

and having stood for consideration to this the 10th day of April,
2013 the Court delivered the following Judgment:

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Sri S. Das.
10/4/2013
Civil Judge,
Bongaigaon.

::::: **J U D G M E N T** :::::

1. This is a suit for declaration.

2. The case of the plaintiffs is that Late Dilip Kumar Choudhury, son of late Aswini Choudhury resident of Bongaigaon town, ward no.1, P.O. Bongaigaon and district Bongaigaon worked as a permanent employee under Bongaigaon Refinery and Petrochemicals Ltd, Bongaigaon, Assam. The said Dilip Kr Choudhry expired on 7.5.2000 in a motor vehicle accident while on training. Said Dilip Choudhury was a bachelor at the time of death and he survived the following legal heirs :

1. Smt Mamoni Choudhury, sister, plaintiff no.1.
2. Smt Shanti Priya Choudhury, sister, plaintiff no.2.
3. Sri Pradip Kr Choudhury, brother, defendant no.1

to inherit the intestate properties on his death. Further case of the plaintiff is that on the death of Dilip Kr Choudhry he left an amount of Rs. 6,56,090.00 (Rupees six lakhs fifty six thousand ninety) monetary benefits in respect of the GPA insurance policy payable to his surviving legal heirs. It is averred in the plaint that defendant no.1 was named as nominee of late Dilip Kr Choudhury in respect of the said insurance policy. Defendant no.2 in the meantime made communication with the defendant no. 3, 4 and 5 for settlement of the claim of the said GPA insurance policy against the death of Dilip Kr Choudhury for the afore mentioned amount. The plaintiffs learnt that the said claim has been settled alongwith other similar case arising out of the same accident and the above amount is ready for disbursement. It is also averred that the plaintiffs are entitled to get one share each as surviving legal heirs of deceased Dilip Kr Choudhury and the plaintiffs apprehend that the defendant no.1 shall not apportion share to them in respect of the said amount. Hence this suit.

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8/10/4/2013
Civil Judge,
Bongaigaon.

