

GJVD220002342020



Order below Exhibit-25 and 29 in MACP No.89 of 2020

Present: Ld. Advocate Mr.S.K.Joshi for the claimants.

Ld. Advocate N.V.Joshi for the Iffco Tokio Gen. Insc. Co. Ltd.

- 1) The present claim petition is filed by the legal heirs of Vijaybhai Kantibhai Tadvi, for obtaining compensation for his death in the vehicular accident dated 29.08.2015 at Vega, near Santosh Pulse Mill, Dabhoi, District Vadodara. The claimants had originally filed the claim petition against the Kaushikbhai Dilipbhai Bariya who is the owner and driver of motorcycle bearing Regi. No.GJ.6.FE.5288 by the way of filing the application at Exh.24, the claimants have prayed that Janakbhai Mathurbhai Vanand and Iffco Tokio Gen. Insc. Co. Ltd. who were the owner and Insurance Company of motorcycle bearing Regi. No.GJ.6.HN.3453 may be added in this case as the respondents.
- 2) After filing of the application at Exh.25, Notice was issued to the proposed parties and Notice issued to Janakbhai Mathurbhai Vanand received back with the report that he has expired. The report is at Exh.25(A) which is supported with the death certificate of Janakbhai Mathurbhai Vanand issued by Sub-Registrar, birth and death, Dabhoi. Considering the report at Exh.25, the application of the claimants qua Janakbhai Mathurbhai Vanand has been rejected. The notice of the above application was also issued to Iffco Tokio Gen. Insc. Co. Ltd. and Ld. Advocate Nandini Joshi has appeared on behalf of the Insurance Company and filed the authority letter and Vakalatnama at Exh.26 and 27. The Ld. Advocate for the Iffco Tokio Gen. Insc. Co. Ltd. has

also moved an application at Exh.29 and prayed that it may be deleted from the array of the parties. The perusal of the application at Exh.29 shows that the Insurance Company has admitted the fact that at the relevant point of time of accident, the motorcycle bearing Regi. No.GJ.6.HN.3453 was insured with it but it has taken the objection that the deceased was himself driving the said vehicle and therefore he has stepped into the shoes of the owner so the Insc. Co. shall be exonerated from payment of any compensation.

- 3) I have perused the application. The Insurance Company has not furnished Insurance Policy with the terms and conditions with the present application and therefore, the said issue cannot be decided at this stage and this Court is of the opinion that both the parties should be given opportunity to lead evidence with respect to their cases and thus the issue whether the Insurance company is liable to pay the compensation or not should be decided at the time of passing of final order. Therefore, in view of the above, the application at Exh.25 filed by the claimant is partly allowed and Iffco Tokio Gen. Insc. Co. Ltd. is added as opponent No.2 in the present case. The application of the claimant qua the Janakbhai Mathurbhai Vanand is rejected as he has already expired. The application at Exh.29 is also disposed of with the above observation.
- 4) The claimant is directed to file the amended memo of the parties before the next date of hearing and the opponent Insurance Company is directed to file its reply before next date of hearing i.e. 03.02.2026.

Signed and pronounced in open court today on this 20th day of January, 2026.

Date : 20/01/2026
Place: Dabhoi.

Sd/-
[RAHUL SHARMA]
CHAIRMAN, M.A.C.T. (AUXI.)
VADODARA AT DABHOI
CODE No. GJ01588