

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2492 of 2023**

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MADHUBEN WD/O. HIMMATSINH BHARATSINH BARIA

Versus

IMTIYAZ ALAM MUMTAZ ALAM (ABATED)

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Appearance:

MR MOHSIN M HAKIM(5396) for the Appellant(s) No. 1,2,3,4

for the Defendant(s) No. 1,2,3

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CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**

Date : 22/06/2023

ORAL ORDER

Heard learned Advocate for the appellant/s, who apart from the grounds stated in the memo of the Appeal submits that the deceased was a motor cyclist. It is further submitted that there was evidence on record to the extent that the motor cyclist had suddenly applied the brakes but inspite of the above, 100% negligence has been attributed to the driver of car. It is also submitted that the claim petition came to be dismissed and the driver of the truck has not been examined.

In view of the above and considering the other grounds raised in the memo of the Appeal, **ADMIT.**

Sd/-

(GITA GOPI,J)

CAROLINE