

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 5653 of 2008
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2008
In
R/FIRST APPEAL NO. 5653 of 2008
With
R/FIRST APPEAL NO. 5652 of 2008
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2008
In
R/FIRST APPEAL NO. 5652 of 2008
With
R/FIRST APPEAL NO. 3 of 2009
With
R/FIRST APPEAL NO. 4 of 2009
With
R/FIRST APPEAL NO. 4660 of 2019
With
CIVIL APPLICATION (FOR STAY) NO. 2 of 2018
In
R/FIRST APPEAL NO. 4660 of 2019
With
R/FIRST APPEAL NO. 975 of 2022
With
R/FIRST APPEAL NO. 1085 of 2023
With
R/FIRST APPEAL NO. 1086 of 2023

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NATIONAL INSURANCE COMPANY

Versus

CHAUDHARY NITABEN HARDIKBHAI LAVJIBHAI & ORS.

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Appearance:

MR DAKSHESH MEHTA(2430) for the Appellant(s) No. 1
 MR ANKIT Y BACHANI(5424) for the Defendant(s) No. 7
 MR PALAK H THAKKAR(3455) for the Defendant(s) No. 8
 MR. YOGENDRA THAKORE(3975) for the Defendant(s) No. 1,2,3,4
 RULE SERVED for the Defendant(s) No. 5,6

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CORAM: **HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**
and
HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 07/01/2026

COMMON ORAL ORDER

(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)

Mr. Dakshesh Mehta, learned advocate for the appellant in some of the matters has filed a leave note.

Mr. Palak Thakkar, learned advocate for the respondent, has submitted that the accident took place near the diversion. It is submitted that the vehicle involved, has maintained moderate speed, however, it was the tanker, which was driven in rash and negligent manner. Despite the fact, the Tribunal, has concluded that the driver of the tanker was 75% negligent and 25% negligence is attributed to the Jeep, which would be not correct. It is submitted that the tanker appears to have been coming from the opposite and wrong side, which led to the accident and under the circumstances, the Tribunal ought to have held the driver of the tanker 100% liable.

On perusing the panchnama, there is a lack of clarity, hence, it would be appropriate if a sketch is provided so as to

get the rough idea of the nature of the accident and the direction.

Mr. Palak Thakkar, learned advocate, requests for short date.

At his request, list the matters on **21st January, 2026**.

(SANGEETA K. VISHEN, J.)

(NISHA M. THAKORE, J.)

AMAR RATHOD.../07.01

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: AMAR KANTILAL RATHOD(HC01074), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/01/2026 11:28:42