

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1318 of 2023**

**With
CIVIL APPLICATION (FOR STAY) NO. 2 of 2023
In R/FIRST APPEAL NO. 1318 of 2023**

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OM TECHNOCON PRIVATE LTD. THROUGH ITS DIRECTOR
CHINTANKUMAR ASHVINBHAI PATEL

Versus
KIRANDEVI JAYPRAKASH MAHTO

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Appearance:

G K VAGHANI(7830) for the Appellant(s) No. 1

MR TUSHAR L SHETH(3920) for the Appellant(s) No. 1
for the Defendant(s) No. 1,2,3,4,5

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 03/04/2023

ORAL ORDER

Over and above the other grounds raised in the appeal memo, learned advocate appearing for the appellant states that that the applicant is the original owner of the vehicle and the Insurance Company has been wrongly exonerated. The owner will have to check whether the driver has a driving license and if driver produces driving licence, owner is not expected to find out whether the licence has in fact issued by the competent authority or not. In support of his contention, he has relied upon

judgment of United India Insurance Co. Ltd Vs. Lehu
& Ors. reported in 2003(3) SCC 3388.

In view of the above submissions, Admit.

The matter be listed for final hearing
27.04.2023.

Order in Civil Application:-

Stay be granted till 27.04.2023.

(GITA GOPI,J)

MANOJ