

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1857 of 2024****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/FIRST APPEAL NO. 1857 of 2024**

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DASMESH TRANSPORT CO.**Versus****GAJENDRAKUMAR KESHAHSINH KUSHVAH & ORS.**

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Appearance:**MS AMRITA AJMERA(5204) for the Appellant(s) No. 1****MS ROMA I FIDELIS(3529) 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 : 06/05/2024****ORAL ORDER****Order in the First Appeal:-**

Over and above the other grounds raised in the appeal memo, learned advocate appearing for the appellant states that the insurance company was wrongly exonerated and the learned Tribunal has failed to take into consideration the endorsement of the authority to drive the vehicle. Further, the insurance company was required to bring this endorsement to the notice of the learned Tribunal since under Section 170 of the Motor Vehicles Act,1988, authority is given to the insurance company to defend the case and thus states that the amount cannot be recovered from the appellant.

Considering the submissions made, **ADMIT.**

Order in the Civil Application:-

In view of the aforesaid submissions made by learned advocate for the applicant-appellant in the main appeal, prayer in terms of para-5(B) is granted.

(GITA GOPI,J)

ILA