

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2216 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In****R/FIRST APPEAL NO. 2216 of 2025**

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BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED**Versus****RAMESHBHAI HIRABHAI THAKOR & ANR.**

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Appearance:

MASUMI V NANAVATY(9321) for the Appellant(s) No. 1

MR VIBHUTI NANAVATI(513) for the Appellant(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE NISHA M. THAKORE**Date : 08/07/2025****ORAL ORDER**

Heard Ms. Masumi V. Nanavaty, learned advocate for the appellant – insurance company.

It is submitted that the Tribunal has recorded incorrect finding while examining the issue of liability. It is pointed-out that it has clearly transpired in the cross-examination of the claimant wherein, he has admitted that five persons were travelling in the offending vehicle. It is also found from the evidence of the claimant that he was unauthorized passenger in a goods vehicle. Despite the aforesaid evidence emerged on record, the Tribunal has ignored the contention of the insurance company of breach of the essential terms of the contract of insurance and therefore being not liable to indemnify the owner of the vehicle.

Considering the aforesaid submissions, appeal is ***admitted***.

Order in Civil Application :-

Rule returnable on ***19th August, 2025***.

By way of ***ad-interim relief***, there shall be stay against the execution, operation and implementation of the impugned judgment and award dated 21st November, 2024 passed in MACP no.371 of 2018 by the Motor Accident Claims Tribunal (Auxi.), Banaskantha at Tharad pending this application, subject to deposit of entire awarded amount including the costs and interest as awarded by the Tribunal.

AMAR RATHOD...

(NISHA M. THAKORE, J.)