

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 1890 of 2025**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 1890 of 2025**

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**CHOLA MANDALAM MS GENERAL INSURANCE COMPANY LIMITED
VADODARA**

Versus

SATISHBHAI HARISINGBHAI RATHVA & ORS.

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Appearance:

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

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

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 25/06/2025

ORAL ORDER

ORDER IN FIRST APPEAL:

1. Heard Ms. Masumi V. Nanavaty, learned advocate on record for the appellant-Insurance Company.

2. Learned advocate for the appellant has submitted that the Tribunal committed gross error in treating the tractor and the trailer to be one vehicle and thereby fixing liability of the Insurance Company for payment of compensation to the claimant. Learned advocate has further submitted that the insurance policy, which was produced on record, was confined to the insurance coverage of the vehicle tractor only. According to her, as per the instructions issued by the IRDA , the

separate insurance policy is required to be availed for the trailer also. She has further submitted that even for the sake of argument, the tractor and trailer are considered to be a single vehicle; however, the premium was paid qua the driver of the tractor. The claimants being the unauthorized passengers in the goods vehicle, the Insurance Company could not have been saddled with the liability to pay the compensation.

3. Considering the aforesaid submissions of learned advocate for the appellant-Insurance Company, let **Notice** be issued upon the respondents, making it returnable on **07.08.2025**.

ORDER IN CIVIL APPLICATION:

Issue **Rule**, returnable on **07.08.2025**.

By way of ad-interim relief, there shall be stay against the execution, operation and implementation of the impugned judgment and award dated 14.11.2024 passed in M.A.C.P. No. 151 of 2018 by the Motor Accident Claims Tribunal (Main.), Chhotaudepur, pending this application, subject to deposit of entire awarded amount with the concerned Tribunal including the costs and interest as awarded by this Tribunal.

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)