

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/FIRST APPEAL NO. 2664 of 2025**

With  
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2025**  
**In R/FIRST APPEAL NO. 2664 of 2025**

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TATA AIG GENERAL INSURANCE CO. LTD.

Versus  
TORAL SATISH VASAVA & ORS.

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Appearance:

MS KIRTI S PATHAK(9966) for the Appellant(s) No. 1

NISHIT A BHALODI(9597) for the Defendant(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

**Date : 20/02/2026**

**ORAL ORDER**

**ORDER IN FIRST APPEAL**

The learned advocate for the appellant has challenged the impugned judgment and award on the ground that the claim petition was filed under Section 166 of the Motor Vehicles Act. It is submitted that the deceased himself was negligent and that a summary report was initially filed against the deceased. However, the learned Tribunal has erred in saddling the liability upon the insurance company and in awarding exorbitant compensation.

Considering the submissions and the grounds raised in memo, **the appeal is Admitted.**

Mr. Nishit A Bhalodi, learned advocates waives service of notice of admission for respondent No.1.

**ORDER IN CIVIL APPLICATION**

By way of ad-interim relief, the operation, implementation and execution of the impugned judgment and award shall remain stayed on condition that the applicant-Insurance Company deposits the awarded amount before the Tribunal concerned before the next date of hearing.

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**(HASMUKH D. SUTHAR,J)**