

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 4029 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In
R/FIRST APPEAL NO. 4029 of 2023
With
R/FIRST APPEAL NO. 4030 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In
R/FIRST APPEAL NO. 4030 of 2023
With
R/FIRST APPEAL NO. 4031 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In
R/FIRST APPEAL NO. 4031 of 2023
With
R/FIRST APPEAL NO. 4032 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In
R/FIRST APPEAL NO. 4032 of 2023
With
R/FIRST APPEAL NO. 4033 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In
R/FIRST APPEAL NO. 4033 of 2023

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THE NEW INDIA ASSURANCE CO. LTD.

Versus

GIGANBHAI DANABHAI @ NATUBHAI MUCHAL

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Appearance:

MR.KRUTIK A PARIKH(7268) for the Appellant(s) No. 1
for the Defendant(s) No. 1,2,3,4

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CORAM: HONOURABLE MS. JUSTICE GITA GOPI

Date : 06/09/2023

COMMON ORAL ORDER

ORDER IN FIRST APPEALS

Heard learned Advocate for the appellant/s, who apart from the grounds stated in the memo of the Appeals has placed reliance on the decision of this Court dated 19.06.2018 in First Appeal No.1995 of 2019 with Civil Application No.1 of 2018 (ICICI Lombard General Insurance v. Aashiyana Wd/o Alihusen Pandhara Heirs of Late Alihusen Nadibax Pandhara). It is further submitted that the Insurance Company would not be liable if the vehicle which was only for private use, was used for transportation of illegal articles and in these cases, the vehicle was used for transportation of prohibited liquor. It is also submitted that there was suppression of facts when the proposal was given for taking the Insurance Policy. It is further submitted that the vehicle was driven by the owner himself and the same clarifies about the breach of conditions of the Policy.

In view of the above and considering the other grounds raised in the memo of the Appeals, **ADMIT.**

Sd/-
(GITA GOPI, J)

ORDER IN CIVIL APPLICATIONS

Heard learned Advocate for the applicants.

RULE returnable on **OCTOBER 19, 2023.**

Considering the submissions canvassed and the averments made in the applications, there shall be stay of the execution, implementation and operation of the impugned judgment and award, on the condition that the applicants shall deposit the entire awarded amount before the concerned Tribunal, before the returnable date.

CAROLINE

Sd/-
(GITA GOPI, J)