

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 4348 of 2019
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/FIRST APPEAL NO. 4348 of 2019

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HDFC ERGO GENERAL INSURANCE COMPANY LTD
Versus
KHUSHBU KETAN BHUVA

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Appearance:

MR MAULIK J SHELAT(2500) for the Appellant(s) No. 1
for the Defendant(s) No. 1,2,3,4,5,6

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CORAM: **HONOURABLE MR.JUSTICE G.R.UDHWANI**

Date : 19/09/2019

ORAL ORDER

In view of the decision in *Nigamma & Anr., vs. United India Insurance Co. Ltd., [AIR 2009 SC 3056]* holding that the insurance company would not be liable to pay compensation under Section 163A of the Motor Vehicles Act in case where the death of a person or injury to him occurs while driving the vehicle borrowed from someone else; which are also the facts of the present case; **ADMIT.**

(G.R.UDHWANI, J)

ORAL ORDER IN CIVIL APPLICATION (FOR STAY) NO. 1 of 2019 In R/FIRST APPEAL NO. 4348 of 2019

On the appellant-applicant depositing the awarded amount with interest; within four weeks from today, the impugned judgment and award is stayed. Notice as to interim-relief returnable after four weeks.

(G.R.UDHWANI, J)

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