

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2585 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In R/FIRST APPEAL NO. 2585 of 2025**=====
ICICI LOMBARD GENERAL INSURANCE COMPANY LIMITED**Versus****LEGAL HEIRS OF DECEASED VISHAL DILIPBHAI CHAUHAN & ORS.**
=====**Appearance:****MR DHAIRYAWAN D BHATT(11817) for the Appellant(s) No. 1**
=====**CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 24/07/2025****ORAL ORDER****ORDER IN FIRST APPEAL:**

1. Heard Mr. Dhairyawan D. Bhatt, learned advocate on record for the appellant-Insurance Company. Learned advocate has placed on record the relevant documents by way of paper book. The same is permitted to be taken upon record.

2. It is submitted by learned advocate that the Tribunal has committed grave error in directing the appellant- Insurance Company to deposit the entire award amount at first instance and to recover the same from the driver of the insured vehicle. It is further submitted that in fact, on bare perusal of the findings and reasons assigned by

the Tribunal, while deciding the issue of negligency, though, it has been answered in affirmative, the Tribunal has not arrived at any conclusion holding the deceased, who was driving the insured vehicle, negligent towards the occurrence of accident. On the contrary, the findings and reasons goes to suggest that the accident had occurred due to negligency of one unknown vehicle, as gathered from the police papers. He has, therefore, submitted that the Tribunal ought to have exonerated the appellant-Insurance Company from its liability to pay the compensation. Referring to the contents of the FIR, learned advocate has submitted that admittedly, the deceased was not holding any driving license at the time of occurrence of accident. He has, therefore, submitted that the Tribunal fell in error in treating the deceased as a paid driver and holding the Insurance Company liable to pay compensation at the first instance and to recover the same from owner of the insured vehicle.

3. Considering the aforesaid submissions and the grounds raised in the appeal, issue **Notice** upon the respondents, making it returnable on **04.09.2025**.

ORDER IN CIVIL APPLICATION

Issue **Notice** , returnable on **04.09.2025**.

By way of ad-interim relief, there shall be stay against the execution, operation and implementation of the impugned judgment and award dated 24.04.2025 passed in M.A.C.P. No. 225 of 2017 by the Motor Accident Claims Tribunal (Aux), Ahmedabad City, pending this application, subject to deposit of entire awarded amount with the concerned Tribunal including the costs and interest as awarded by the Tribunal.

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)