

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL NO. 2473 of 2014****With****FIRST APPEAL NO. 2474 of 2014****With****CIVIL APPLICATION NO. 8161 of 2014****In****FIRST APPEAL NO. 2473 of 2014****TO****CIVIL APPLICATION NO. 8162 of 2014****In****FIRST APPEAL NO. 2474 of 2014**

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UNITED INDIA INSURANCE COMPANY LTD....Appellant(s)

Versus

PARBATSINH UDESINH MAKWANA & 2....Defendant(s)

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Appearance:

MR MAULIK J SHELAT, ADVOCATE for the Appellant(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE MOHINDER PAL****Date : 09/04/2015****ORAL ORDER****ORAL ORDER in FIRST APPEAL NO. 2473 of 2014 and FIRST APPEAL NO. 2474 of 2014**

Both these appeals are taken up together as having same reason from the same accident.

These appeals have been preferred by the Insurance Company against the awards passed by the Tribunal. Learned advocate for the appellant has submitted that the vehicle involved in the accident was insured to cover risk of the third party. However, the appellants have been fastened with the liability to pay

compensation to the passengers travelling in the car.

There are arguable points in these appeals. Hence, **Admitted.**

**ORAL ORDER in CIVIL APPLICATION NO. 8161 of 2014 and
CIVIL APPLICATION NO. 8162 of 2014**

Along with these appeals, there are applications seeking stay of execution of the award passed by the Tribunal. The execution of the award passed on 15.10.2013 by the MACT (Aux.), Sabarkantha @ Modasa in New MACP No.115 of 2013 (Old MACP No.1049 of 1998 and award dated 15.10.2013 passed by the MACT (Aux.), Sabarkantha @ Modasa in New MACP No.97 of 2013 (Old MACP No.1480 of 1998) are hereby stayed subject to deposit of decretal amount, by the Insurance Company, falling to the share of appellant. If the amount is so deposited, 20% of the amount shall be disbursed to the claimant along with interest and proportionate cost. The remaining amount shall be invested in long term deposit in any nationalized bank initially for a period of two years which shall be renewed automatically till the final decision of the matter and in the meantime **Rule** be issued to respondents returnable on **08.06.2015.**

(MOHINDER PAL, J.)

Amar