

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 641 of 2015**

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BHUPENDRABHAI ISHWARLAL MODI

Versus

HAYATKHAN YUSUF KHAN PATHAN & ORS.

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Appearance:

MR HARSHADRAY A DAVE(3461) for the Appellant(s) No. 1

DISMISSED FOR NON PROSECUTION for the Defendant(s) No. 2,3,4

MR SUNIL B PARIKH(582) for the Defendant(s) No. 5

RULE SERVED for the Defendant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 09/03/2026

ORAL ORDER

When the matter is taken up for hearing, it is reported that the learned advocate for the appellant has filed leave note.

2. Mr. Sunil B. Parikh, learned advocate for the respondent no.5- Insurance Company, has placed reliance upon the oral judgment dated 11.08.2025 passed in R/First Appeal No.926 of 2011, in the case of **Kantaben Gulabbhai Chaudhari & Ors. Vs. Narayanbhai Bholaram Chaudhari (Dismissed) & Ors.**, and has submitted that once the appeal has been dismissed against the owner of the offending vehicle, the appeal against the Insurance Company shall not be maintainable.

3. Considering the leave note of learned advocate for the appellant and the issue raised by learned advocate for the respondent no.5, the matter is adjourned to 12.03.2026.

(NISHA M. THAKORE,J)

SUYASH SRIVASTAVA