

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 2590 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 2590 of 2025

=====

JAYPRAKASH ASSOCIATES LTD & ANR.

Versus

NIRUBEN RAJENDRAKUMAR TADVI & ORS.

=====

Appearance:

MR KASHYAP R JOSHI(2133) for the Appellant(s) No. 1,2

=====

CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 24/07/2025

ORAL ORDER

ORDER IN FIRST APPEAL:

1. Heard Mr. Kashyap Joshi, learned advocate on record for the appellants.

2. The attention of this Court was invited to the findings and reasons assigned by the learned Judicial Magistrate in criminal case registered, pursuant to the FIR lodged reporting about the occurrence of the alleged accident. Referring to the aforesaid findings and reasons, learned advocate has submitted that upon appreciation of the witnesses, who claim to be the eye witnesses of the occurrence of accident, the prosecution has been unable to prove their case about the involvement of the alleged offending vehicle in occurrence of accident. He has, therefore, submitted that the Tribunal committed

grave error in holding the appellant, who is the driver and owner of the alleged offending vehicle, to be responsible towards the accident and liable towards the payment of compensation.

3. Considering the aforesaid submissions and having examined the judgment of the acquittal placed on record, the aforesaid submissions need to be appreciated upon close examination of the evidence. Hence, the appeal is **admitted**.

4. Registry is directed to call for record and proceedings (without paper book) from the concerned Tribunal.

ORDER IN CIVIL APPLICATION:

Issue **Rule**, 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 13.03.2025 passed in M.A.C.P. No. 40 of 2020 by the Motor Accident Claims Tribunal (Main), Narmada at Rajpipla, pending this application, subject to deposit of entire awarded amount with the concerned Tribunal including the costs and interest as awarded by the Tribunal.

(NISHA M. THAKORE,J)

SUYASH SRIVASTAVA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SUYASH KUMAR SRIVASTAVA(HC01570), PRIVATE SECRETARY, at High Court of Gujarat on 25/07/2025 17:57:04