

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3738 of 2025**

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SANGITABEN JAYSINH ALIAS BABU BARIA

Versus

LEVIEZA TRIMEX INDUSTRIES PVT CO. LTD & ANR.

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Appearance:

NISHIT A BHALODI(9597) for the Appellant(s) No. 1

ANUJ H DAVE(8333) for the Defendant(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER**Date : 13/01/2026****ORAL ORDER**

1. Learned advocate Mr. Nishit Bhalodi for the appellant submits that learned Commissioner under the Workman Compensation Act has committed an error in holding that as the claimant has received the amount of the compensation under the M.V. Act, he would not be entitled to the claim under the Workman Compensation Act. Learned advocate Mr. Bhalodi further submits that the decision of the Hon'ble Apex Court referred by the learned Commissioner is pertaining to the case where the deceased was died during the course of his employment in a motor accident where the claim was raised against the employer and the Insurance Company under the Workman Compensation Act. In that background, the Hon'ble

Apex Court has held that the claimants are precluded from seeking compensation under the M.V. Act. Learned advocate Mr. Bhalodi has relied on the decision rendered by the Hon'ble Division Bench of this Court in the First Appeal No.407 of 1998 and submitted that as per the decision, the liability under the M.V. Act pertaining to the tort liability as well as the liability under the Workman compensation, is statutory liability. In that background, if the accident was caused and the vehicle which is involved, was not belonging to the employer then the claim can be raised under both the Acts.

2. In view of above submissions, let the notice be issued making it returnable on 20.01.2026.

Learned advocate Mr. Anuj Dave waives service of notice on behalf of the respondent No.1.

Vikramsinh Amarsinh

(M. K. THAKKER,J)