

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2811 of 2016**

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NEW INDIA ASSURANCE CO. LTD.

Versus

ASHOKBHAI NAGARBHAI THAKOR

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Appearance:

MR YOGI K GADHIA(5913) for the PETITIONER(s) No. 1

MR HIMANSU M PADHYA(1611) for the RESPONDENT(s) No. 1

UNSERVED EXPIRED (R)(69) for the RESPONDENT(s) No. 2

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CORAM: **HONOURABLE MR.JUSTICE S.G. SHAH****Date : 05/09/2018****ORAL ORDER**

Heard learned advocate Ms. Forum Shah for learned advocate Mr. Yogi K. Gadhia for the appellant and learned advocate Mr. Himanshu M. Padhya for respondent No.1.

Learned advocate Ms. Forum Shah has submitted that appeal is mainly on the ground of contributory negligence of the driver of the vehicle in which claimant was travelling and, therefore, respondent No.2, who is owner of the another truck which has dashed with the vehicle of the claimant and who is reported to be dead and they could not gather the information about his legal heirs, they would like to continue this appeal against respondent No.2. She further confirms that it would not affect the merits of the appeal in any manner and they will not raise issue regrading non service upon unserved respondent No.2 or non joining of his legal heirs.

In view of such statement, appeal stands abated against respondent No.2. List for final hearing on **08.10.2018**.

(S.G. SHAH, J)

DRASHTI K. SHUKLA