

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3737 of 2010**

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NEW INDIA ASSURANCE CO LTD

Versus

KANUBHAI JESANGBHAI PARMAR & ORS.

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Appearance:

MS LILU K BHAYA(1705) for the Appellant(s) No. 1

GOVERNMENT PLEADER for the Defendant(s) No. 3

MR JIGAR G GADHAVI(5613) for the Defendant(s) No. 2

MR. YOGENDRA THAKORE(3975) for the Defendant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MOOL CHAND TYAGI**Date : 12/11/2025****ORAL ORDER**

1. Heard Ms. Geetanjali R, learned counsel appearing on behalf of the appellant, Mr. Yogendra Thakore, learned counsel appearing on behalf of respondent no.1 and Ms. Dixa Pandya, learned AGP appearing on behalf of respondent no.3.

2. This present appeal has been filed by the appellant-Insurance Company under Section 173 of the Motor Vehicles Act, 1988 challenging the judgment and award dated 27.05.2010, passed by the learned Motor Accident Claims Tribunal (Aux. II), Mehsana, in M.A.C.P. No. 526 of 2009, whereby the learned Tribunal has partly allowed the Claim Petition and awarded a sum of Rs.3,55,849/- along with interest at the rate of 7.5% per annum, from the date of filing of the Claim Petition till its realization, as compensation.

3. At the outset, it deserves to be noted that challenge made by the Insurance Company in the instant appeal is less than Rs.4,00,000/- or restricted to less than Rs.4,00,000/-.

4. Learned advocate for the appellant - Insurance Company fairly submitted that in view of the amount involved in the present appeal being less than Rs.4,00,000/-, this appeal may be disposed of in accordance with law.

5. On perusal of the grounds urged in the appeal memorandum and in view of the submission that amount involved in this appeal is less than Rs. 4,00,000/-, and having regard to the smallness of the amount involved, this Court is of the considered view that the instant appeal deserves to be dismissed and accordingly it is dismissed. The compensation awarded by the learned Tribunal seems just and reasonable and no interference is called for. It is clarified that this appeal is disposed of only on the ground of smallness of the compensation amount without expressing any opinion on merits and question of law raised in the appeal is kept open to be urged in appropriate appeal by the insurer. This order would not come in the way of adjudication of any other appeal pending against the same judgment and award or adjudication of any other claim petition arising out of same accident. Pending civil application, if any, stands disposed of as having become infructuous. No order as to costs.

6. Record & Proceedings of the Tribunal and amount, if any deposited in this appeal, is ordered to be transmitted by the

Registry of this Court to the jurisdictional court or Tribunal forthwith, along with accrued interest if any. The entire award amount be disbursed and released in favour of claimant after due verification by transferring said amount to the account of claimant by RTGS or NEFT.

ARUN

(MOOL CHAND TYAGI, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUN B(HC02368), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 12/11/2025 15:43:32