

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3733 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3733 of 2023
With
R/FIRST APPEAL NO. 3739 of 2023
With
R/FIRST APPEAL NO. 3738 of 2023
With
R/FIRST APPEAL NO. 3734 of 2023
With
R/FIRST APPEAL NO. 3737 of 2023
With
R/FIRST APPEAL NO. 3735 of 2023
With
R/FIRST APPEAL NO. 3740 of 2023
With
R/FIRST APPEAL NO. 3736 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3739 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3738 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3734 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3737 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3735 of 2023
With

**CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3740 of 2023
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2023
In R/FIRST APPEAL NO. 3736 of 2023**

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THE NEW INDIA ASSURANCE COMPANY LTD.

Versus

PRABHABEN WD/O MADHABHAI DEVRAMBHAI PARMAR

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Appearance:

MR NAGESH C SOOD(1928) for the Appellant(s) No. 1
for the Defendant(s) No. 1,2,3,4,5,6,6.1,6.2,6.3,7

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 12/09/2023

ORAL ORDER

A] First Appeals:

Over and above the other grounds raised in the appeal memo, it is submitted by learned advocate for the appellant that it is a case of non-involvement of luxury bus, where, actually, the bus was plying in Madhya Pradesh and at the relevant date and time of the accident, it had entered into Madhya Pradesh through RTO Check Post at Pitol, Jhabua and necessary receipt Nos. 51 and 31 issued for the payment of tax were produced on record and a case of fraud was pleaded, in spite of that, the learned Tribunal has failed to appreciate the same and had laid down the liability of the insurance company

stating involvement of the luxury bus and total negligence has been attributed upon the bus driver. It is submitted that there is no case of any passenger of luxury bus got injured due to the alleged vehicular accident.

Considering the submissions made, **Admit.**

B] Civil Applications:

Rule, returnable on **25th October 2023.**

In the meanwhile, by way of ad-interim relief, the operation, implementation and execution of the impugned judgment and award shall remain stayed on condition that the applicant deposits the ordered awarded amount before the Tribunal concerned before the returnable date.

C] Registry to keep a copy of this order in each matter.

[Gita Gopi, J.]

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/26