

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2561 of 2025**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 2561 of 2025**

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ICICI LOMBARD GENERAL INSURANCE CO. LTD.

Versus

BHARATBHAI CHHAGANBHAI PATEL & ORS.

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Appearance:

HARSH A VYAS(9330) for the Appellant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 09/09/2025

ORAL ORDER

ORDER IN FIRST APPEAL:

1. Heard Mr. Harsh Vyas, learned advocate on record for the appellant-Insurance Company.
2. Learned advocate has assailed the impugned judgment and award passed by the Tribunal solely on the issue of quantum of compensation being determined on higher side, by submitting that the income from the animal husbandry of the injured claimant, has increased four times, after the occurrence of accident. He has, therefore, submitted that the Tribunal committed grave error in considering the income from the business of animal husbandry, which

has otherwise not been affected, because of the disability caused to the respondent- original claimant on account of motor vehicle accident.

3. Noticing the aforesaid limited issue raised by the appellant- Insurance Company, issue **Notice for final disposal**, making it returnable on **07.11.2025**.

4. Registry is directed to call for Record and Proceedings (without Paper Book) from the concerned Tribunal, so as to reach this Court before the next date of hearing.

ORDER IN CIVIL APPLICATION:

1. Issue **Notice**, returnable on **07.11.2025**.

2. By way of ad-interim relief, there shall be stay against the execution, operation and implementation of the impugned judgment and award dated 04.06.2025 passed in M.A.C.P. No.140 of 2017 by the Motor Accident Claims Tribunal (Aux.) & 3rd Additional District Judge, Sabarkantha @ Idar, 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/SFS/09/09

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 09/09/2025 14:43:51