

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 3242 of 2025**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 3242 of 2025**

**With
R/FIRST APPEAL NO. 3254 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 3254 of 2025**

**With
R/FIRST APPEAL NO. 3259 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 3259 of 2025**

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THE NEW INDIA ASSURANCE CO. LTD.

Versus

SATISHSING PAMNARESHSING RAJPUT & ORS.

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Appearance:

MR RITURAJ M MEENA(3224) for the Appellant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 11/09/2025

ORAL ORDER

Order in First Appeals:

Heard learned advocate for the appellant- Insurance Company. Learned advocate has assailed the impugned judgment and award on the grounds raised in the appeal memo, however during the course of hearing has emphasized on the issue of negligency. Attention of this Court was invited to the findings and reasons assigned by the Tribunal and has submitted that though the Tribunal has convinced that negligency was attributed to the driver of Innova Car, which had in fact jumped on the wrong side of the road and had attributed to the occurrence of the accident. However,

noticing the final report submitted by the Investigating Officer holding the driver of the Innova Car as well as Truck negligent towards occurrence of accident has held the driver of insured vehicle – truck negligent to the extent of 30% solely on the ground that the driver of the truck was driving the vehicle in breach of national permit on the national highway road.

Considering the aforesaid submissions of the learned advocate for the appellant- Insurance Company, appeal deserves consideration at this stage. Hence, **Admit.**

Order in Civil Applications:

Issue Notice upon the respondents, making it returnable on **10.11.2025..**

By way of ad-interim relief, there shall be stay against the execution, operation and implementation of the impugned judgment and award dated 25.04.2025 passed in MACP Nos. 1365 and 1367 of 2018 by the Motor Accident Claims Tribunal (Auxi), Rajkot, pending this application, subject to deposit of entire awarded amount with the concerned Tribunal including the costs and interest as awarded by the Tribunal.

Registry is directed to place the copy of the present order in First Appeal Nos.3254 & 3259 of 2025.

RATHOD KAUSHIKSINH

(NISHA M. THAKORE,J)