

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 3195 of 2025
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/FIRST APPEAL NO. 3195 of 2025

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BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED, GANDHIDHAM
KACHCHH

Versus
ANUJKUMAR RAI JUNKI RAI & ORS.

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Appearance:

MASUMI V NANA VATY(9321) for the Appellant(s) No. 1
MR VIBHUTI NANA VATI(513) for the Appellant(s) No. 1

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CORAM: HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 08/09/2025

ORAL ORDER

Learned advocate on record for the appellant-Insurance Company has disputed the quantum of compensation mainly on two counts. Firstly, the income of the deceased has been considered on higher side by the Tribunal. Secondly, on the issue that the claimants have failed to establish that the brother of the deceased was dependent on the income of the deceased, and therefore, the Tribunal has committed grave error in applying one third deduction instead of one half, despite settled legal position of the Hon'ble Supreme Court in the case of **Sarla Verma & Ors vs Delhi Transport Corp. & Anr** reported in **(2009) 2 ACJ 1298**, in case of deceased bachelor.

Considering the aforesaid submissions of learned advocate for the appellant- Insurance Company, in order to appreciate the aforesaid contention, let the cross-examination of the original claimants be produced on record on the next date of hearing. Stand over to **22.09.2025**.

(NISHA M. THAKORE,J)

SUYASH SRIVASTAVA/SFS/08/09