

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4021 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In R/FIRST APPEAL NO. 4021 of 2025**

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MAGMA HDI GENERAL INS. CO. LTD.**Versus****DINESHBHAI MULABHAI PARMAR & ORS.**

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Appearance:**MS KIRTI S PATHAK(9966) for the Appellant(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 10/11/2025****ORAL ORDER****Order in First Appeal****Appeal is admitted.****Order in Civil Application**

Heard the learned advocate for the applicant – insurance company.

It is submitted that the driver of the vehicle was not holding valid and effective license and that liability was fixed though Act only policy was issued and the award is passed by the learned Tribunal and matter is at large pending before the Hon'ble Supreme Court. It is stated that there is no provision under the amended Motor Vehicles Act to award the compensation and to pass an order of pay and recover as there is no provision like the old M.V. Act under Section 149(4) of the Motor Vehicles Act, in newly amended Motor Vehicles Act.

NOTICE returnable on **22.12.2025**.

The insurance company is directed to deposit the entire amount of award with the learned Tribunal within a period of four weeks from today.

Upon depositing the same, the learned Tribunal shall invest 70% of the entire amount in a cumulative fixed deposit receipt in a nationalized bank initially for a period of 3 years which shall be renewable from time to time for similar period till final disposal of the appeal and remaining 30% of the amount of award shall be given to the claimants upon proper verification. The original FDRs to be retained by the learned Tribunal.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/11/2025 17:52:22