

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4263 of 2024**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2024
In R/FIRST APPEAL NO. 4263 of 2024**

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BAJAJ ALLIANZ GENERAL INS. CO. LTD.

Versus

BABUBHAI GOVINDBHAI UMEDBHAI CHAUHAN & ANR.

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Appearance:

MR TANMAY B KARIA(6833) for the Appellant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI

Date : 19/12/2024

ORAL ORDER

ORDER ON FIRST APPEAL :

Learned advocate Mr.Karia for the appellant submits that offending vehicle was not holding license to ply, which was proved by documentary evidence and learned Tribunal has fasten liability on insurance company ignoring this fact and also breach of terms and conditions of policy.

Learned advocate for the appellant is directed to produce on record proposal forum and other relevant documents which have been executed at the time of issuance of policy and also relevant IMT which specifies what precaution insurance company is required to taken while issuing policy.

Notice for final hearing returnable on 28.01.2025. Registry is directed to Record and proceedings (without paper book) from the learned Tribunal concerned.

ORDER ON CIVIL APPLICATION :

Let there be stay on the implementation and execution of the impugned judgment and order passed by the learned Tribunal on condition that the appellant shall deposit entire decretal amount before the learned Tribunal within four weeks from today, which includes principal amount, interest till date and cost, failing which, the present Civil Application shall be treated as dismissed. Upon deposit of entire decretal amount, learned Tribunal shall follow its own order for disbursement of amount.

The Civil Application stands disposed of.

SATISH

(J. C. DOSHI,J)