

Gujarat High Court

Appearance : vs Coram on 13 May, 2010

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SCA/5974/2010 2/ 2 ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL
CIVIL APPLICATION No. 5974 of 2010

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NATIONAL
INSURANCE COMPANY

Versus

JUMABEN
BABUBHAI AND ANOTHER

=====

Appearance :
MR
DAKSHESH MEHTA for
the Petitioner

=====

CORAM

:

HONOURABLE

MR.JUSTICE RAVI R.TRIPATHI

Date
: 13/05/2010

ORAL
ORDER

Heard Mr.Mehta, learned Advocate for the petitioner Insurance Company.

2. Learned Advocate for the petitioner invited attention of the Court to the judgment and order passed in in Motor Accident Claim Petition No.393 of 1998 dated 30.03.2007. He then invited attention of the Court to the award, a copy of which is produced at page Nos.33-34. He also invited attention of the Court to the order passed below application Exh.1 in Civil Misc.Application No.54 of 2008 and submitted that none of the aforesaid documents refers to the liability of the Insurance Company to pay the amount of compensation. He submitted that despite that, the learned Judge has passed an order in Civil Darkhast No.49 of 2009 dated 22.04.2010, whereby the Insurance Company is directed to deposit the amount of award with 7.5% interest till date within 15 days, failing which the 'Jangum Warrant' under O-21 R-30 of the Code of Civil Procedure will be issued against the Insurance Company.

3. The matter requires consideration.

RULE.

Ad interim relief in terms of para-13(C).

4. Taking into consideration the fact that this will deprive the claimants of Motor Accident Claim Petition No.393 of 1998, who have filed Darkhast in the year 2009, the Rule is made returnable on 21.06.2010..

Insurance Company to see that the respondents are by effecting Direct Service.

5. At the request of the learned Advocate for the petitioner, it is clarified that the present petition is entertained only qua the petitioner Insurance Company and by no stretch of imagination, pendency of this petition should be construed to mean that there is stay against execution against respondent No.2 owner of the vehicle.

(Ravi R.Tripathi, J.) *Shitole Top