IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 4008 of 2023
With
R/FIRST APPEAL NO. 3881 of 2023
With
R/FIRST APPEAL NO. 3879 of 2023
With
R/FIRST APPEAL NO. 3520 of 2023
With
R/FIRST APPEAL NO. 912 of 2023
With
R/FIRST APPEAL NO. 3675 of 2025
With
R/FIRST APPEAL NO. 3565 of 2025
With
R/FIRST APPEAL NO. 2546 of 2025
With
R/FIRST APPEAL NO. 1857 of 2025
With
R/FIRST APPEAL NO. 1588 of 2025
With
R/FIRST APPEAL NO. 1303 of 2025
With
R/FIRST APPEAL NO. 429 of 2024
With
R/FIRST APPEAL NO. 124 of 2024

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IFFKO TOKIO GENERAL INSURANCE CO LTD
Versus
MADHUBEN HAMIRBHAI DETROJA & ORS.

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Appearance:
MR. ALKESH N SHAH(3749) for the Appellant(s) No. 1
MR. HEMAL SHAH(6960) for the Defendant(s) No. 1
RULE SERVED for the Defendant(s) No. 5
RULE UNSERVED for the Defendant(s) No. 3,4
SERVED BY AFFIX. (R) for the Defendant(s) No. 2

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CORAM:**HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 19/12/2025
COMMON ORAL ORDER

[1.0] Insurance Company is in First Appeals under section 173

of the Motor Vehicles Act, 1988, details of which alongwith corresponding respective Motor Accident Claim Petitions alongwith amount of compensation awarded in respective claim petitions is as under:

First Appeal No.	Year	MACP No.	Amount (Rs.)
4008	2023	1261/2011	173250
3881	2023	475/2018	202000
3879	2023	342/2013	65800
3520	2023	2556/2017	403400
912	2023	20/2017	296500
3675	2025	214/2019	203020
3565	2025	247/2019	91166
2546	2025	90/2021	197800
1857	2025	241/2020	150000
1588	2025	224/2019 225/2019	273699
1303	2025	38/2023 39/2023	250000
429	2024	19/2010	200000
124	2024	48/2022	227000

[2.0] Heard learned advocates for the respective parties.

[3.0] Since the amount involved in the present First Appeals is small and meager, which falls under the category of smallness, paying due regard to smallness of amount, this Court is of the considered

view that the First Appeals should be disposed of as compensation awarded seems to be just and reasonable and no interference is called for. It is hereby made clear that these First Appeals are disposed of only on the ground of award of compensation being meager and small. This Court has not expressed any opinion on merits and question of law raised in these First Appeals is kept open to be urged in other proceedings which may arise from the same road accident / same judgment and award. It is made clear that this order will not come in the way of adjudication of any other First Appeal pending against same respective judgment and award or adjudication of any other claim petition arising from same road accident. Since the First Appeals are disposed of only on the ground of monetary value being small, without entering into merits, principle of *res judicata* shall not be applied to any other proceedings including cross-objections, if any, arising from the same road accident or same judgment and award.

[4.0] In view of above, present First Appeals are dismissed. Pending Civil Applications, if any, stands disposed of as having become infructuous. No order as to costs.

[5.0] Record and Proceedings and amount, if any lying before this Court is ordered to be transmitted to the concerned Tribunal forthwith along with accrued interest, if any. The entire awarded amount be disbursed and released in favour of the respective original claimants after due verification by transferring the said amount to the account of the respective claimants either by RTGS or NEFT mode.

[6.0] Registry to maintain copy of this order in each matter.

(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 19/12/2025 18:20:54