

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2655 of 2009**

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NEW INDIA ASSURANCE CO. LTD

Versus

KAILASHBEN DILIPSINH KAPLETHIYA & ORS.

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Appearance:

MR PALAK H THAKKAR(3455) for the Appellant(s) No. 1

MR HARSHIT S TOLIA(2708) for the Defendant(s) No. 1,2,3,4

RULE SERVED for the Defendant(s) No. 5

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CORAM:HONOURABLE MR.JUSTICE J. L. ODEDRA**Date : 09/07/2025****ORAL ORDER**

Heard learned advocates for the respective parties.

What could be noticed that the insurance company restricted the claim in First Appeal no.2655 of 2009 to the tune of Rs.2,02,000/-. However, considering the issued involved in the matter along with involvement of near to small and meager amount and considering the aspect of having no dispute in regards to the road accident, I am of the opinion that this Appeal may not deserve consideration, more particularly, on the ground of smallness of amount. Accordingly, present First Appeal stands dismissed.

It is made clear that present First Appeal is dismissed on account of smallness of the amount and the order passed by this Court not be treated as precedent so as to say that this Court has decided any issue on merit. The whole purpose to dismiss the Appeal on account of smallness of amount is with a view to avoid hardship both physically and financially on the part of the original

claimant to appear and defend the case. Therefore, this order shall not be cited as precedent in any pending matters arising from same accident before any Court.

R & P, if any, to be sent back to the concerned Court immediately.

The appellants is at liberty to revive the appeal in case of difficulty.

While making the payment, the Tribunal shall deduct the courts fees, if not paid, in accordance with rules/law.

Consequently connected application/s, if any, also stands disposed of.

The learned Tribunal is directed to disburse the entire amount to the claimant after due and proper verification.

CHIRAG D PAL

(J. L. ODEDRA, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHIRAG DESHRAJ PAL(HCD0072), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 09/07/2025 15:13:36