IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3119 of 2025

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TATA AIG GENERAL INSURANCE CO. LTD.

Versus

MINABEN MUKESHBHAI PARMAR & ANR.

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Appearance:
MS KIRTI S PATHAK(9966) for the Appellant(s) No. 1
MR AS ASTHAVADI(3698) for the Defendant(s) No. 1
NOTICE SERVED for the Defendant(s) No. 2

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

Date : 11/12/2025
ORAL ORDER

[1.0] Insurance Company is in First Appeal under section 173 of the Motor Vehicles Act, 1988. Challenge is made to the judgment and award dated 24.02.2025 passed by the learned Motor Accident Claim Claims Tribunal (Main), Kheda, at Nadiad in Motor Accident Claim Petition No.112/2023.

[2.0] Perusal of the judgment and award indicates that Insurance Company has challenged the judgment and award made to the tune of Rs.1,42,445/- to the victim of the road accident.

[3.0] Heard learned advocates for the respective parties.

[4.0] Since the amount involved in the First Appeal is Rs.1,42,445/-, paying due regard to smallness of amount, this Court is of the considered view that the First Appeal 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 this First Appeal is 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 this First Appeal and 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 judgment and award or adjudication of any other claim petition arising from same road accident. Since the First Appeal is disposed of only on the contention of monetary value being small, principle of *res judicata* shall not be applied to any other proceedings arising from the same road accident or same judgment and award.

[5.0] In view of above, the First Appeal is dismissed. Pending Civil Applications, if any, stands disposed of as having become infructuous. No order as to costs.

[6.0] 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 claimants after due verification by transferring the said amount to the account of the claimants either by RTGS or NEFT mode.

(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 11/12/2025 13:31:41