IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 3017 of 2025

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THE NEW INDIA ASSURANCE CO LTD

Versus

SAGAR LALJIBHAI LAKHTARIYA & ANR.

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Appearance:
MS E.SHAILAJA(2671) for the Appellant(s) No. 1
RULE NOT RECD BACK for the Defendant(s) No. 1,2

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

Date : 23/12/2025
ORAL ORDER

[1.0] Insurance Company is in First Appeal under section 173 of the Motor Vehicles Act, 1988 against the judgment and award dated 20.03.2025 passed in MACP No.1367/2016 by the learned Motor Accident Claim Tribunal (Special), Rajkot.

[2.0] Heard learned advocates for the respective parties.

[3.0] Since the amount involved in the present First Appeal 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 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 present 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 these First Appeal 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 Appeal is 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 Appeal is 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 original 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 05/01/2026 14:27:12