

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 3310 of 2026**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/FIRST APPEAL NO. 3310 of 2026**

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CHOLAMANDALAM MS GENERAL INSURANCE CO LTD
Versus
PAPUKUMAR TIWARI & ORS.

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Appearance:

MASUMI V NANAVALTY(9321) for the Appellant(s) No. 1
MR VIBHUTI NANAVALTI(513) for the Appellant(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 28/07/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

Order in First Appeal:

Heard Mr. Vibhuti Nanavati, learned advocate for the appellant- Insurance Company. The Appeal under Section 173 of the Motor Vehicles Act, 1988 challenging the impugned judgment and award dated 10.11.2025 passed by the Motor Accidents Claims Tribunal (Auxi), Vadodara in MACP No.22 of 2015 on the ground of negligence of the driver of the trailer.

Hence, the Appeal is ***admitted***.

Order in Civil Application No.1 of 2026:

1. **Rule** returnable forthwith.
2. The application is filed for following relief:

“(A) Your Lordships may, pending hearing and final disposal of this First Appeal, be pleased to stay the operation/execution/implementation of the judgment and award dated 10.11.2025 passed by the Motor Accidents Claims Tribunal (Auxi), Vadodara in MACP No.22 of 2015.”

2. Considering the submission made by the applicant and the First Appeal having been admitted by this Court, has prayed for stay on the execution, operation and implementation of the impugned judgment and award dated 10.11.2025 passed by the Motor Accidents Claims Tribunal (Auxi), Vadodara in MACP No.22 of 2015 on usual terms and conditions.

3. Hence, present application is partly allowed with the directions as under:

(I) The applicant -Insurance company is directed to deposit the awarded 50% amount with interest and proportionate cost as directed by the **MAC Tribunal (Auxi) at Vadodara** within 8 weeks from today.

(II) On depositing such amount by the applicant - insurance company, the Court permits the original claimant to withdraw 30% of total deposited amount, as granted by the Tribunal in **Para-2** of the operative award.

(III) The remaining 70% of the amount deposited, be invested in any nationalized Bank in non-cumulative Fixed Deposit Receipt (FDR) in the name of the original claimants as per their respective shares decided by the Tribunal, which shall

be renewed from time to time till final disposal of the appeal.

(IV) The respondent - original claimant is entitled to receive the periodical interest on the aforesaid FDRs. The copy of original FDRs, shall be retained by Nazir of Tribunal.

(V) Subject to aforesaid condition of deposit of such awarded amount, there shall be stay of the operation and implementation of the impugned judgment and award pending the appeal.

4. In view of the above, ***Civil Application is partly allowed***. Rule is made absolute to the aforesaid extent.

sd/-
(A.Y. KOGJE, J)

sd/-
(NISHA M. THAKORE, J)

RATHOD KAUSHIKSINH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: KAUSHIKSINH JILUSINH RATHOD(HC00957), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 30/07/2026 11:01:18