

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2991 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025****In R/FIRST APPEAL NO. 2991 of 2025**

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CHOLA M.S. GENERAL INSURANCE CO. LTD.

Versus

CHATURABEN PUNABHAI RATHOD & ORS.

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Appearance:

MS KIRTI S PATHAK(9966) for the Appellant(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 04/12/2025**ORAL ORDER****ORDER IN FIRST APPEAL:**

Having heard the learned advocate for the appellant, it appears that present First Appeals is filed on the ground that the driver is subsequently swapped and two witnesses are examined at Exhs.83 and 86 though the learned Tribunal has not considered the said defence.

NOTICE returnable on **23.01.2026**.

Registry to call for the record and proceeding from the concerned Tribunal without paper book.

ORDER IN CIVIL APPLICATIONS (FOR STAY):

NOTICE returnable on 23.01.2026.

By way of ad-interim relief, there shall be stay against implementation, execution and operation of the award passed in Motor Accident Claim Petition No.26/2023 by the learned Motor Accident Claims Tribunal, at Mahuva, pending present application (For

Stay), subject to deposit of entire amount of compensation including the costs and interest as awarded by the Tribunal, with the learned Tribunal concerned.

(HASMUKH D. SUTHAR, J.)

Ajay