**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/FIRST APPEAL NO. 2765 of 2026**
**With**
**CIVIL APPLICATION (FOR STAY) NO. 1 of 2026**
**In**
**R/FIRST APPEAL NO. 2765 of 2026**

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CHOLA MANDALAM M S GENERAL INSURANCE CO LTD
Versus
LEGAL HEIRS OF DECEASED BHARGAVBHAI JIVANBHAI VAVADIYA & ORS.

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Appearance:
HARSH A VYAS(9330) 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 : 14/07/2026**

**ORAL ORDER**

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

1. Heard Mr. Harsh A. Vyas, learned advocate for the appellant – insurance company.

2. The appeal is ***admitted*** on the ground of contributory negligence and breach in condition.

***<u>Order in Civil Application</u>*** **:**

1. The present application is filed for following relief:

> *"(A) That pending the hearing and final disposal of the First Appeal the Hon'ble Court be pleased to stay execution, operation and implementation of the award and decree dated 21.04.2026 passed in MACP no.17 of 2024 by the Ld. Motor Accident claims Tribunal (Auxi.), Amreli at Savarkundla."*

2. Considernig the submission made by the learned advocate for the applicant and the First Appeal having been admitted by this Court, as also the learned advocate for the applicant – appellant is ready and willing to deposit the entire awarded amount before the concerned Tribunal, present application is partly ***allowed*** with the directions as under:

(i) The applicant – appellant - insurance company is directed to deposit the entire awarded amount with interest and proportionate cost as directed by the **MAC Tribunal (Auxi.), Amreli at Savarkundla** within ***eight weeks from today***.

(ii) On depositing such amount by the applicant - insurance company, original claimants are permitted to withdraw 30% of total deposited amount as per their respective shares, as granted by the Tribunal in **Para-5** 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 respondents – original claimants are 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.

3. In view of the above, ***Civil Application is partly allowed***.

**(A.Y. KOGJE, J.)**

**(NISHA M. THAKORE, J.)**

***AMAR RATHOD.../sfs/14.07***