

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3404 of 2022****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2022****In****R/FIRST APPEAL NO. 3404 of 2022**

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NEW INDIA ASSURANCE COMPANY LIMITED**Versus****ZINABHAI CHANDRABHAI NAYKA**

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Appearance:**MR RATHIN P RAVAL(5013) for the Appellant(s) No. 1****for the Defendant(s) No. 1,2,3,4**

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI**Date : 13/09/2022****ORAL ORDER****ORDER IN FIRST APPEAL**

Heard learned Advocate for the appellant/s, who apart from the grounds stated in the memo of the Appeal submits that the matter was instituted under Section 163A of the Motor Vehicles Act, 1988 and the compensation amount has to be granted as per the structure formula. The learned Tribunal in disregard to the same has granted the consortium amount. It is further submitted that the plea was raised regarding the Act Policy and of being an unauthorized passenger, however, the same was not considered.

In view of the above and considering the other grounds raised in the memo of the Appeal, **ADMIT.**

Sd/-**(GITA GOPI, J)**

ORDER IN CIVIL APPLICATION

Heard learned Advocate for the applicant.

RULE returnable on **NOVEMBER 11, 2022.**

Considering the submissions canvassed and the averments made in the application, there be stay of the execution, implementation and operation of the impugned judgment and award dated 11.04.2022 passed by the learned Motor Accident Claims Tribunal (Main), Valsad, in M.A.C.P. No.41 of 2015, on the condition that the applicant shall deposit the entire awarded amount within a period of **six weeks** from today before the concerned Tribunal.

Sd/-

(GITA GOPI, J)

CAROLINE