



CMP(MD) No.5853
in CMA(MD)No.581 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30-04-2026

WEB COPY

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THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CMP(MD) No.5853 of 2026
in CMA(MD) No.581 of 2026

The New India Assurance Company Ltd.,
By its Branch Manager, Mandya Micro Office,
No.1175, 1st Floor, 2nd Cross, Mandya TQ
Karnataka – 571 401.

: Petitioner

Vs

1.S.Kalpana
2.R.Manjunath
3.Anthony Prakash

: Respondents

This Civil Miscellaneous Petition filed under Section 151 C.P.C., praying to stay the operation of the award, dated 10.09.2025 made in M.C.O.P.No.1080 of 2022, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur, pending disposal of the civil miscellaneous appeal.

For Petitioner : Mr.N.Shyllappakalyan.

ORDER

The above petition has been filed to stay the operation of the award, dated 10.09.2025 made in M.C.O.P.No.1080 of 2022, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur, pending disposal of the civil miscellaneous appeal.



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2. Heard the learned counsel appearing for the petitioner and also perused the records.

3. The learned counsel appearing for the petitioner would submit that they have taken a specific stand that the 2nd respondent's vehicle was not at all involved in the occurrence ; that FIR came to be registered at the instance of the claimant against the unknown vehicle and after investigation, the jurisdictional police filed a final report as 'mistake of fact' stating that no other vehicle was involved in the accident and that the Tribunal, without considering the above, has proceeded to pass the impugned award.

4. Considering the facts and circumstances of the case, there shall be an order of interim stay on condition that the petitioner/Insurance Company shall deposit 50% of the award amount together with interest and costs to the credit of M.C.O.P.No.1080 of 2022, on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur, within a period of four weeks, failing which, the interim order granted shall stand vacated automatically without any further reference to this Court.

5. Notice.

30-04-2026

DAS

To

Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur.

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