



CMA No.1404 of 2024

N.ANAND VENKATESH.,J

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Notice to respondents, returnable by 19.08.2024. Private notice is also permitted.

2.The main ground that was urged by the learned counsel for the appellant is that in the FIR that was registered, it was projected as if the two wheeler was hit by an unknown car. However, when the claim petition was filed, a completely different ground was taken as if the rider of the two wheeler was negligent. It was contended that the Court below had gone by the evidence of PW2 without properly appreciating the evidence of RW2. A *prima facie* case has been made out, there shall be an order of interim stay of all proceeding in pursuant to the judgement and decree dated 25.11.2021 in MCOP No.1674 of 2019 on the file of the Motor Accident Claims Tribunal, Special Sub Court No.2, Salem, pending disposal of the civil miscellaneous appeal.

3.Post this case on 19.08.2024.

24.06.2024

SSR

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