

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.799 OF 2014
A/W
CIVIL APPLICATION NO.800 OF 2014
IN
FIRST APPEAL ST. NO.1909 OF 2014

Iffco Toikio General Insurance co. Ltd. ... Applicant/Appellant

Vs.

Smt.Radhika Avadhesh Yadav & Ors. ... Respondents

Mr.Manoj Badgujar i/b A.P. Kulkarni for the Applicant/Appellant
None for Respondent Nos.1, 2 and 3
Mr.R.M. Haridas i/b K.S. Patil for Resp. No.4

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: 17th NOVEMBER, 2015

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. Civil Application No.799 of 2014 is filed for condonation of delay of 81 days in preferring the appeal. None appear for Respondent Nos.1, 2 and 3, the original claimants, though served. Mr.Haridas appears for Respondent No.4. In view of the uncontroverted submissions, the delay is condoned. Civil Application is disposed of accordingly. Registry to number the appeal.

CIVIL APPLICATION NO.800 OF 2015: -

3. By this Civil Application, the applicant / insurance Company seeks stay to the operation and execution of the impugned judgement and award dated 25.4.2013 passed by the Motor Accident Claims Tribunal, Thane in MACP No.540 of 2010. The learned Counsel for the applicant submits that the insurance company is ready to deposit the entire decretal amount alongwith interest accrued thereon, within a period of eight weeks.

4. In view of the above, issue notice to the respondents/original claimants, returnable on 12.1.2016. In the meantime, there shall be an ad-interim stay to the operation and execution of the impugned judgement and award for a period of ten weeks, subject to the applicant depositing in the MACT, Thane, the entire decretal amount alongwith interest accrued thereon, within a period of eight weeks from today. The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of appeal shall be transferred to the Motor Accident Claims Tribunal.

5. S.O. to 12.1.2016.

(MRIDULA BHATKAR, J.)