

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1050 OF 2014
WITH
CIVIL APPLICATION NO.1051 OF 2014
IN
FIRST APPEAL (ST) NO.25523 OF 2013**

The New India Assurance Co. Ltd. ...Applicant
(Insurer)

Versus

Shri Raju Pandurang Patole & Ors. ...Respondents

.....
Mr. R.K. Cheulkar for the Applicant.
Mr. T.J. Mendon for Respondent Nos.1 & 2.
.....

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 26th AUGUST, 2015.

P. C. :

The Applicant /insurance company has moved Civil Application No.1050 of 2014 for condonation of delay of 170 days.

2. In view of the reasons mentioned in paragraph Nos. 3 and 4, the delay is condoned. The appeal be registered and be placed for admission after four weeks.

3. The Civil Application stands disposed of.

4. The Applicant has moved Civil Application No.1051 of 2014 for stay of the implementation and operation of the judgment, decree and award dated 6th November, 2012 passed by learned Motor Accident Claims Tribunal, Thane, in M.A.C.P. No.634 of 2003. The learned counsel for the insurance company submits that the insurance company is ready to deposit the entire decretal amount within four weeks. Learned counsel for the Respondent is present.

5. In view of the submissions made by learned counsel for the insurance company, the impugned judgment and award dated 6.11.2012 is hereby stayed, subject to the Applicant-insurance company depositing the entire decretal amount alongwith interest accrued thereon within four weeks. If the amount is not deposited within four weeks, the stay granted will be vacated forthwith.

6. The statutory amount of Rs.25,000/-, which is deposited in the Appellate Court, is to be transferred to the Motor Accident Claims Tribunal, Thane, alongwith the interest accrued thereon.

(MRS. MRIDULA BHATKAR, J.)