

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

FIRST APPEAL NO.1291 OF 2013

(The New India Assurance Co. Ltd., through its Regional Manager, Nagpur ..vs.. Smt. Kusum wd/o
Nagorao Tabhane and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S. Sanyal, Advocate for the appellant,
Shri V.A. Patait, Advocate for the respondent No.1.

CORAM : Z.A. HAQ, J.

DATED : 06-1-2015

Heard Shri S. Sanyal, the learned Advocate for the appellant and Shri V.A. Patait, the learned Advocate for the respondent No.1.

Admit.

Shri V.A. Patait, the learned Advocate, waives service of notice on behalf of the respondent No.1.

Civil Application (CAF) No.573 of 2013.

Considering the facts of the case and material on record, I am satisfied that the appellant has made out *prima facie* case for grant of interim order.

During the pendency of the appeal, the impugned Award shall not be executed against the appellant-Insurance Company.

The amount deposited by the appellant shall be paid to it.

The claimant is at liberty to execute the impugned

Award against the owner of the vehicle, if so advised and if there is no legal impediment in executing the Award against the owner.

The civil application is disposed in the above terms.

JUDGE

pma