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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3484 OF 2014
IN
FIRST APPEAL NO.374 OF 2007.

Parvez Framroz Billimoria Applicant

In the matter of

National Insurance Co. Ltd. .. Appellant

V/s.

Parvez Framroz Billimoria Respondent.

Mr. M.A. Khan, for the Applicant.

Mr. Atul Gatne, for the appellant.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 24TH OCTOBER, 2016.

P.C. :

1. This application preferred by the original claimant seeking vacating of the stay granted by this Court vide its order dated 17th July, 2007, on the ground that the entire decretal amount has not been deposited by the appellant Insurance Company. However, learned counsel for appellant submits at Bar that appellant has deposited entire decretal amount of Rs.1,54,222/- vide cheque No.210984 dated 7.8.2007.

2. In view thereof, there does not arise any question of vacating

the stay order.

3. The second prayer made in the application is that the applicant may be permitted to withdraw the said amount alongwith interest accrued thereon. However, learned counsel for appellant resisted the said prayer strongly on the ground that the applicant has already received an amount of Rs.90,000/- from the New India Assurance Co. Ltd. Therefore, as submitted by learned counsel for appellant that it is not a case where applicant has not received any amount.

4. Moreover, as appeal is preferred on the ground of quantum of compensation, at this stage it would not be proper to allow applicant to withdraw the entire amount of compensation. However, considering the fact that appeal is of the year 2007 and it is already fixed for final hearing under the caption of “senior citizen”, Learned counsel for appellant has no objection to expedite the hearing of the appeal.

5. As requested by the applicant vide prayer clause (c), this application is allowed to the limited extent of expediting the hearing of the appeal. Appeal is fixed for final hearing in a week commencing from 21st November, 2016 under the caption of “Senior citizen”.

[DR. SHALINI PHANSALKAR JOSHI, J.]