

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

**CIVIL APPLICATION NO. 4512 OF 2016
IN
FIRST APPEAL (ST.) NO. 11588 OF 2014**

New India Assurance Co.	...	Applicant/ Appellant
Versus		
Tasina Khatub (Bibi) Bakibulla Mandal & Ors.	...	Respondents

Mr.A.K. Sharma i/b. M/s.B.B.Nangare & Associates for the
Applicant/Appellant.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 19TH OCTOBER, 2016.

P.C. :

- 1] Not on board. Upon mentioning taken on board.
- 2] This is an application seeking stay to the execution of the judgment and award dated 12th July, 2013 passed in MACP No.881 of 2010 by Member, Motor Accident Claim Tribunal, Thane. It is submitted by the learned counsel for the applicant that the applicant is ready to deposit the entire amount of compensation as awarded by the tribunal within a period of three weeks from today. However, as the execution is already initiated, it needs to be stayed. The statement made by the learned counsel for the applicant is accepted as undertaking. In view thereof, the stay is granted to

the execution of the impugned judgment and award subject to condition of applicant depositing entire amount of compensation as awarded by the tribunal within a period of three weeks from today with the tribunal.

3] On deposit of the said amount, the tribunal to invest the same in any Nationalized Bank initially for a period of one year to be renewed thereafter from time to time till decision of this appeal.

4] On failure of the applicant to deposit the entire amount within the stipulated period, the said stay granted to the execution of the impugned award will stand vacated automatically without further reference to this Court.

5] An amount of Rs.25,000/- deposited in this Court be transferred to the Motor Accident Claim Tribunal, Thane.

6] This application is disposed of accordingly.

(DR.SHALINI PHANSALKAR-JOSHI, J.)