

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

947 CIVIL APPLICATION NO. 13715 OF 2017
IN FA/725/2003 WITH CA/5189/2003 IN FA/725/2003

M/S NATIONAL INSURANCE CO. LTD.
VERSUS
MAMTA JITENDRA JOSHI AND ORS.

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Advocate for Applicant : Mr.Vinayak N. Upadhye
AGP for Respondents:

Advocate for Respondent Nos.1 to 3 : Mr.K.M.Nagarkar
Advocate for Respondent No.4 : Mr.P.V.Tapse

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CORAM : PRAKASH D.NAIK, J.
DATED : 14.11.2017

PER COURT :-

1) This is an application for seeking stay to the execution and operation of the Award in the Darkhast bearing No.M.A.C.P. No.38 of 2003 pending before the learned Motor Accident Claims Tribunal, Nanded.

2) The applicant has preferred an appeal challenging the impugned order, which appeal has been admitted on 29.7.2003. The applicant Insurance Company was directed to deposit the compensation payable Rs.40,000/- per annum as income ceiling within a period of four weeks from the date of award in the Registry of this Court. The said order was not complied. By order dated 3.3.2017, the stay granted by this Court was vacated. The respondents thereafter filed an application seeking stay to the

impugned Judgment and Award and execution proceedings.

3) The learned counsel for the applicant submits that the amount in accordance with the Judgment and order dated 29.7.2003 will be deposited in the Trial Court, within a period of four weeks from today. The statement is accepted.

4) The applicant is permitted to deposit the entire amount in accordance with Judgment and Award dated 29.7.2003 before the executing Court within four weeks from today.

5) The learned counsel for the respondents submits that he will not pursue the execution proceedings for a period of four weeks, in case the amount is deposited. He further submits that the execution proceedings may be stayed after amount is deposited.

6) The respondents are at liberty to prefer application before the Trial Court for withdrawal of the amount deposited by the applicants.

7) Civil application stands disposed of.

[PRAKASH D.NAIK, J.]