

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

**FIRST APPEAL (ST.) NO. 6050 OF 2014
WITH
CIVIL APPLICATION NO. 687 OF 2015
WITH
CIVIL APPLICATION NO. 688 OF 2015
IN
FIRST APPEAL (ST.) NO. 6050 OF 2014**

The New India Assurance Company Ltd. ...Applicant

Versus

Subhash Mahadeo Adit & Anr. ...Respondents

**WITH
CIVIL APPLICATION NO. 2758 OF 2017
IN
FIRST APPEAL (ST.) NO. 6050 OF 2017**

Subhash Mahadeo Adit & Anr. ...Applicants

Versus

The New India Assurance Company ...Respondent

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Mr.D.R.Mahadik for the Original Appellant/Applicant in CA Nos. 687 and 688 of 2015.

Mr.C.M.Lokeshappa for the Applicant in CA No. 2758 of 2017.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: SEPTEMBER 20, 2017**

P.C. :

1. Civil Application No. 687 of 2015 is filed for condonation of delay of 67 days in preferring the appeal. Issue notice to the respondents, returnable on 15.11.2017.

CIVIL APPLICATION NO. 688 OF 2015

1. By this Civil Application, the applicant / insurance Company seeks stay to the operation and execution of the impugned judgment and award dated 08.07.2013 passed by the Motor Accident Claims Tribunal, Mangaon-Raigad, in MACP No. 1277 of 2008. The learned Counsel for the applicant submits that the insurance company is ready to deposit the entire decretal amount alongwith interest accrued thereon, within a period of six weeks.

6. In view of the above, issue notice to the respondents, returnable on 15.11.2017. Till then, there shall be an ad-interim stay to the operation and execution of the impugned judgment and award dated 08.07.2013, for a period of eight weeks, subject to the applicant depositing in the MACT, Mangaon-Raigad, the entire decretal amount alongwith interest accrued thereon, within a period of six weeks from today. The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of appeal shall be transferred to the Motor Accident Claims Tribunal, Mangaon-Raigad.

7. Stand over to 15.11.2017.

CIVIL APPLICATION NO. 2758 OF 2017

8. This Application is moved for withdrawal of an amount deposited by the insurance company/ original appellant pursuant to the judgment award dated 08.07.2013 passed by the Motor Accident Claims Tribunal, Mangaon-Raigad, in MACP No. 1277 of 2008.

9. The learned counsel for the applicants submitted that the applicants are the husband and son of the deceased. He further submitted that till today, the applicants have not received the compensation of no fault liability.

10. The learned counsel for the insurance company opposed this application.

11. In view of the submissions and the reasons mentioned in the application, the applicants are allowed to withdraw 50% amount of the compensation on an usual undertaking. The remaining amount is to be deposited in the fixed deposit in any nationalized bank.

12. Civil Application No.2758 of 2017 is allowed and is accordingly disposed of.

(MRIDULA BHATKAR, J.)