

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3265 OF 2017
IN
FIRST APPEAL NO.1171 OF 2017
with
FIRST APPEAL NO.1171 OF 2017

Reliance General Insurance Co. Ltd. ... Applicant/Appellant

Vs.

Shri Rajneendran T. Nair & Ors. ... Respondents

Mr.Nikhil Mehta i/b KMC Legal Venture for the Applicant/Appellant
Mr.R.S. Tanna for Respondents

CORAM: MRS.MRIDULA BHATKAR, J.

DATE: OCTOBER 12, 2017

P.C.:

1. Not on Board. Upon mentioning, taken on Board.
2. This Civil Application filed by the applicant / insurance Company seeks stay to the operation and execution of the impugned judgement and award dated 13.4.2017 passed by the Motor Accident Claims Tribunal, Thane, in MACP No.918 of 2010, as execution proceedings are moved against the insurance company. The learned Counsel for the applicant/appellant submits that the insurance company is ready to deposit the entire decretal amount alongwith

interest accrued thereon, within a period of six weeks. He also submitted that the insurance company has filed the appeal mainly on the ground of quantum and prays for dispensation of service of notice on Respondent No.2 / owner of the vehicle.

3. In view of the above, interim stay to the operation and execution of the impugned judgement and award dated 13.4.2017 for a period of eight weeks, subject to the applicant depositing in the MACT, Thane, 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, Thane. It is made clear that if the decretal amount is not deposited as stipulated above, the stay granted herewith shall stand vacated forthwith.

4. List the appeal for admission on 6.12.2017. Respondent No.1 waives notice through his Counsel. Notice to respondent No.2 is dispensed with.

5. Civil Application is disposed of accordingly.

(MRIDULA BHATKAR, J.)