

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**CIVIL APPLICATION [CAF] NO.4515 OF 2017**

**IN**

**FIRST APPEAL STAMP NO.22898 OF 2017**

*(The New India Assurance Company Ltd.*

vs.

*Smt. Anusaya w/o Shankar Manjewar and others)*

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*Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.*

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*Court's or Judge's Orders*

**CORAM : P.N. DESHMUKH, J.**

**DATE : 23<sup>rd</sup> NOVEMBER, 2017.**

Heard Shri Prashant Thakare, learned Counsel for  
the applicant-appellant.

Issue notice to the respondents, returnable on 21<sup>st</sup>  
December, 2017.

**Civil Application [CAF] No.4516/2017 :**

This application is for grant of stay to the effect and  
operation of impugned judgment and award dated 20/06/2017  
passed by the learned Member, Motor Accident Claims Tribunal,  
Amravati in M.A.C.P. No.81/2012.

The learned Counsel for appellant-insurance  
company has submitted that the driver of vehicle involved in the  
accident was not possessing any driving licence and in spite of  
appellant bringing substantial evidence to this effect on record,  
the learned Member of the Tribunal had not perused the same

and had imposed liability for payment of compensation on the insurance company. Contents of paragraph 3 of the impugned judgment to some extent substantiate the submission as aforesaid.

In that view of the matter, there shall be stay to the effect and operation of the judgment of the Tribunal passed in M.A.C.P. No.81/2012 on 20/06/2017, subject to appellant's depositing 50% of the amount as awarded within three weeks from today.

Civil application is allowed and disposed of as aforesaid.

**JUDGE**

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