

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

**CIVIL APPLICATION NO.4109 OF 2017
IN
FIRST APPEAL(STAMP) NO.10661 OF 2017**

Future Generali India Insurance Co.
Ltd.

...Applicants

Versus

Harishchandra Gajanan Pawar & Anr.

...Respondents

.....

Mr. D.R. Mahadik for the Appellant /Applicant.

Mr. T.J. Mendon for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 13th APRIL, 2018.

P.C.:-

Mr. T.J. Mendon, the learned counsel waives service of notice on behalf of the Respondent No.1. Since the Appellant is challenging only the quantum of compensation, service of notice to the Respondent No.2 is dispensed with.

2. By this application, the Applicant has sought stay to the judgment and award dated 22nd November, 2016 passed by the MACT, Mumbai in Claim Application No.2187 of 2010, whereby the Tribunal has awarded compensation of Rs.67,23,000/-with simple interest at the rate of 9% per annum from the date of filing of the application till

realisation of the amount in full.

3. The learned counsel for the Applicant-Insurance Company submits that the Applicant-Insurance company has deposited an amount of Rs.1,12,31,113/-, which is inclusive of interest. Statement is accepted.

4. In the light of above, execution of impugned judgment and award dated 22nd November, 2016 passed by the MACT, Mumbai in Claim Application No.2187 of 2010 is stayed in terms of prayer clause (a). The Civil Application stands disposed of.

5. Statutory amount of Rs.25,000/- deposited before this Court at the time of filing of the appeal be transferred to the MACT, Mumbai.

(SMT. ANUJA PRABHUDESSAI, J.)