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

**CIVIL APPLICATION NO. 2105 OF 2013
IN
FIRST APPEAL NO. 633 OF 2013**

The New India Assurance Co. Ltd. .. Applicant
Vs.
Shri Swapnil Gopinath Shelar & Anr. .. Respondents

Mr. Devendranath S. Joshi for the Applicant.
Mr. T. J. Mendon for the Respondents.

**CORAM : K. K. TATED AND
N. J. JAMADAR, JJ.**
DATE : 29th OCTOBER, 2018.

P. C.

1. By this Application, the Appellant-Insurance Company, is seeking stay to the operation, implementation and execution of the Award dated 20.10.2012 passed by the Motor Accident Claims Tribunal, Mumbai, in Motor Accident Claim Petition No. 1428 of 2007. The learned Counsel for the Applicant submits that the Appellant has deposited the entire amount of Award in terms of Judgment dated 20.10.2012.
2. In view of submissions and the fact that the Appellant has deposited the amount of the Award, the prayer for stay to the Award dated 20.10.2012 is justifiable.
3. Hence, the following order:
 - (i) The operation, implementation and execution of the Judgment and

Award dated 20.10.2012 passed by the Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No. 1428 of 2007 is stayed in terms of prayer Clause 13 (a) of the Application, till the decision of this Appeal. The prayer Clause (a) reads as under:

“a. Pending the hearing and final disposal of the appeal, this Honourable Court, by an order of stay, may kindly stay the operation, implementation and execution of the impugned Judgment and Award dated 20.10.2012 passed by the Motor Accident Claims Tribunal Mumbai in M.A.C.P. No. 1428 of 2007.”

(ii) The Civil Application stands disposed of accordingly.

[N. J. JAMADAR, J.]

[K. K. TATED, J.]