

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO. 4157 OF 2017
WITH
CIVIL APPLICATION NO. 4158 OF 2017
IN
FIRST APPEAL (ST.) NO. 21153 OF 2017**

The Oriental Ins. Co. Ltd.(HUB) ...Applicant

Versus

Smt.Zaiyada Mehboob Sayyed & Anr. ...Respondents

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Ms.Disha Parekh i/b. Ms. Neha D. Bhosale for the Applicant.
Mr.T.J.Mendon for Respondent No.1.

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CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE : **JANUARY 09, 2018**

P.C.:

CIVIL APPLICATION NO. 4157 OF 2017

1. This Application is moved for condonation of delay of 66 days in filing First Appeal.
2. The learned counsel for the applicant has submitted that the delay is not deliberate but due to procedural requirement, delay is caused.

3. The learned counsel for respondent no.1 opposed this application.
4. In view of the reasons mentioned in the application, delay is condoned.
5. Civil Application is allowed and is disposed of accordingly.
6. First Appeal be registered.

CIVIL APPLICATION NO. 4158 OF 2017

7. By this Civil Application, the applicant/insurance company seeks stay to the execution and implementation of the judgment and award dated 13th January, 2017 passed by the learned Chairman, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 1214 of 2009. The learned Counsel for the applicant submits that the applicant/insurance company has deposited the entire decretal amount along with interest accrued thereon.
8. In view of the above submission, the execution and implementation of the impugned judgment and award is stayed, pending Appeal.

9. Civil Application is allowed and is disposed of accordingly.
10. An amount of Rs.25,000/- which is deposited in this Court at the time of filing of the First Appeal is to be transferred to Motor Accident Claims Tribunal, Mumbai.

(MRIDULA BHATKAR, J.)