

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

**CIVIL APPLICATION NO.520 OF 2018
WITH
CIVIL APPLICATION NO.521 OF 2018
IN
FIRST APPEAL ST.NO. 32628 OF 2017**

Reliance General Insurance Company Limited ...Applicant

Versus

Mrs.Brinda Seetharam & Ors. ...Respondents

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Mr.Nikhil Mehta I/b. KMC Legal Venture for the Applicant.
Mr.Saumen Vidyarthi for Respondent Nos. 1 to 4.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 07 , 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.

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2. This application is moved for condonation of delay of 28 days in preferring the appeal.

3. The learned counsel for the applicant submits that the delay is not deliberate but due to procedural requirement, delay is caused.

4. The learned Counsel for respondent nos.1 to 4 opposes this application.

5. In view of the above submissions and the reasons mentioned in the application, delay of 28 days is condoned.

6. Civil Application is allowed and is disposed of accordingly.

7. First Appeal be numbered.

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8. By this Civil Application, the applicant/insurance company seeks stay to the operation and execution of the impugned judgment and award dated 11.05.2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 265 of 2010.

9. The learned Counsel for the applicant submits that the applicant/ insurance company has deposited the entire decretal amount along with interest accrued thereon.

10. The learned Counsel for respondent nos.1 to 4 submits that the Caveat is filed. The learned counsel for respondent nos. 1 to 4 waives service.

11. In view of the above, issue notice to respondent nos. 5 and 6, returnable on 21.03.2018. Respondent nos. 1 to 4 waives service. The execution and implementation of the impugned judgment and award is stayed till the next date. 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, Mumbai.

12. Stand over to 21.03.2018.

(MRIDULA BHATKAR, J.)