

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

**CIVIL APPLICATION NO. 602 OF 2018
WITH
CIVIL APPLICATION NO. 603 OF 2018
IN
FIRST APPEAL ST.NO. 36103 OF 2017**

Bharti AXA General Insurance Company Ltd. ...Applicant

Versus

Mr.Moinuddin Azizuddin Khan & Ors. ...Respondents

.....
Mr.Nikhil Mehta I/b. KMC Legal Venture for the Applicant.
Mr. T.J.Mendon for Respondent Nos. 1 and 2.
.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED : FEBRUARY 13 , 2018**

P.C. :

1. Upon urgent mentioning, taken on Production Board.

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2. Civil Application No. 602 of 2018 is filed for condonation of delay in preferring the appeal. Issue notice to respondent no.3, returnable on 10.04.2018. The learned counsel for respondent nos. 1 and 2 waives service.

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3. By this Civil Application, the applicant/insurance company seeks stay to the operation and execution of the impugned judgment and award dated 13.07.2017 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No. 19 of 2012.

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

5. In view of the above submission, the execution and implementation of the impugned judgment and award is stayed till the final disposal of the Appeal.

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

7. 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.

(MRIDULA BHATKAR, J.)