

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 828 OF 2016
IN
FIRST APPEAL NO. 504 OF 2017**

The New India Assurance Co. Ltd.
Through Mumbai Legal Hub. Appellant.

Vs.

Fakir Aabu Qureshi (since deceased)
through Legal Representatives
Najma Fakir Qureshi and Ors. Respondents

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Mr. Sandeep S.Jinsiwale for the appellant.
Mr. Sachin Padaye i/by Mr. Girish R. Agrawal for respondent Nos.1 to 3.

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**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Heard Learned Counsel for the parties.

2. By this Civil Application, applicant/Insurance Company is seeking stay of the operation and implementation of impugned Judgment and Award dated 14/08/2015 passed by the Motor Accident Claims Tribunal, Satara in Motor Accident Claim Petition No. 34 of 2014.

3. The Learned Counsel for the applicant submits that they have already deposited entire awarded amount in Tribunal. He further submits that the respondents/claimants have withdrawn some amount as per order dated 18/04/2017, passed by this Court in Civil Application No. 1098 of 2017.

4. Learned Counsel for applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award passed by the Tribunal.

5. Considering the submissions made by the Learned Counsel for the applicant and as the entire amount is deposited by them, I am satisfied that the applicant has made out case for following order :

ORDER

(A) Civil Application is allowed in terms of prayer clause (b). Prayer clause (b) reads thus :

(b) Pending the hearing and final disposal of the present Appeal this Hon'ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursuant to the impugned Judgment and Award dated 14th August, 2015, passed by the Learned Addl.Member, of M.A.C.T., Satara, in M.a.C.P.No.34 of 2014.

(B) Civil Application stand disposed of accordingly.

(C) No order as to costs.

(K.K.TATED, J.)