

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

**CIVIL APPLICATION NO. 733 OF 2018
WITH
CIVIL APPLICATION NO. 734 OF 2018
WITH
CIVIL APPLICATION NO. 3473 OF 2019
IN
FIRST APPEAL (ST.) NO. 410 OF 2018**

The New India Assurance Co. Ltd.Applicant

V/s.

Tahira Banu Niyaz Ahmed Ansari and ors.Respondents

Ms. S.S. Dwivedi for the applicant / appellant.

None for the respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 16th OCTOBER, 2019

P.C.:-

ORDER IN CIVIL APPLICATION NO. 734 OF 2018 :-

- . Not on board. Upon mentioning, taken on production board.
2. Ms. S.S. Dwivedi, the learned counsel for the applicant states that the appellant – insurance company has deposited total compensation of Rs.35,25,805/- under the impugned judgment and award dated 06/12/2016.
3. In the light of said statement, execution and implementation of the impugned judgment and award dated 06/12/2016 passed by the

Chairman, MACT, Thane in MACP No.63/2011 is stayed till the disposal of the appeal.

4. Civil Application No.734 of 2018 stands disposed of. Statutory deposit be transferred to the Claims Tribunal, Thane if not transferred.

ORDER IN CIVIL APPLICATION NO. 3473 OF 2019 :-

5. By this application, the applicant – insurance company has sought to serve the respondent no.8 by publication.

6. The office note indicate that the notice issued to the respondent no.8 has returned unserved with bailiff's remark " address not found, hence, returned ". It is stated that the present whereabouts of respondent no.8 are not known. Hence, the application is allowed in terms of prayer clauses (b) and (c). Notice be made returnable after period of eight weeks.

7. Civil Application No.3473 of 2019 stands disposed of.

8. Civil Application No.733 of 2018 (for condonation of delay) be listed on 11/12/2019.

Preeti
H.
Jayani

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signed by
Preeti H.
Jayani
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(SMT. ANUJA PRABHUDESSAI, J.)