

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

**CIVIL APPLICATION NO.1371 OF 2014
WITH
CIVIL APPLICATION NO.1372 OF 2014
IN
FIRST APPEAL (STAMP) NO.2849 OF 2014**

National Insurance Co. Ltd. ...Applicant
Versus
Dayanand Shivram Pujari and Anr. ...Respondents

.....

Mr. Devendranath S. Joshi I/b. Mr. Atul Gatne for the Applicant.
Mr. T.J. Mendon for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 21st AUGUST, 2019.

P.C.:-

ORDER IN CIVIL APPLICATION NO.1371 OF 2014 :-

At the outset the learned counsel for the Applicant seeks leave to amend the prayer clause so as to specify the number of days delay, which is sought to be condoned. Leave is granted. Amendment to be carried out forthwith.

2. By this application, the Applicant has sought to condone delay of 55 days in filing the appeal against the judgment and order dated 12th July, 2013 passed by the learned Member, Motor Accident

Claims Tribunal, Raigad-Alibag in M.A.C.P. No.373 of 2008.

3. The learned counsel for the Respondent No.1 has no objection to condone the delay.

4. In the light of above and in view of the reasons stated in paragraph 2 of the application, which in my considered view constitute sufficient cause, the application is allowed. The delay is condoned.

ORDER IN FIRST APPEAL (STAMP) NO.2849 OF 2014:-

5. The appeal be registered after removing office objections, if any. The learned counsel for the Applicant states that the Applicant has restricted his challenge only to the quantum of the compensation. Hence, notice to the Respondent No.2 is dispensed with. Mr. T.J. Mendon, the learned counsel waives service on behalf of the Respondent No.1.

ORDER IN CIVIL APPLICATION NO.1372 OF 2014 :-

6. By this application, the Applicant-Insurance Company has sought to stay the execution and implementation of the impugned judgment and award.

7. The learned counsel for the Applicant states that the Applicant-Insurance Company will deposit the entire compensation as per the impugned judgment within a period of three weeks before the MA.C.T., Alibag. Statement is accepted.

8. In the light of the above statement, execution and implementation of the impugned judgment is stayed till the next date of hearing. It is made clear that in the event, the compensation amount is not deposited within the stipulated period, the ad-interim relief will be vacated without further reference to the Court.

9. Statutory deposit be transferred to the M.A.C.T., Alibag.

10. The application alongwith the appeal be listed for admission on **11/9/2019**.

(SMT. ANUJA PRABHUDESSAI, J.)