

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

**CIVIL APPLICATION NO. 2496 OF 2010
IN
FIRST APPEAL (STAMP) NO. 15877 OF 2010**

United India Insurance Co. Ltd.

....Appellant.

Versus

Smt. Najmkhatoon Nehfuzur Rehman and ors.

....Respondent

.....

Mr. Amol B. Gatne, Advocate for the Applicant.

Mr. T.J. Mendon, Advocate for Respondent No.1.

.....

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 19th JUNE, 2019.**

P.C.:-

1. The applicant herein has sought to condone the delay of 181 days in filing the first appeal against the judgment and award dated 26.10.2009 in W.C.A. No. 562/C-107/2000.

2. In view of the reasons stated in para nos. 3 and 4 of the application, which in my considered view constitute sufficient cause, the delay is condoned. Appeal be registered.

3. Mr. T.J. Mendon, learned counsel waives service on behalf of the respondent no. 1. Respondent No.2 has already expired. Issue notice

to Respondent no. 3 returnable within three weeks. Private service is permitted.

4. By order dated 16.07.2010, this court had stayed execution of the impugned judgment and award subject to the applicant depositing the decretal amount together with interest in the tribunal within four weeks from the date of the order. It was made clear that in the event the amount is not deposited within the stipulated time, ad-interim relief would stand vacated without further reference Court.

5. Mr. Gatne, the learned counsel for the applicant seeks time to verify whether the applicant has deposited the amount. In the event the amount is not deposited, the respondent No.1 would be at liberty to seek enforcement / execution of the award.

6. Stand over to 10th July, 2019.

(SMT. ANUJA PRABHUDESSAI, J.)