

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

**CIVIL APPLICATION NO. 224 OF 2019
IN
CIVIL APPLICATION NO. 1021 OF 2019
IN
FIRST APPEAL NO. 274 OF 2019**

United India Insurance Co. Ltd.

..... Applicant.

Vs.

Phoolkumari @ Fulkumari Kamlaprasad
Dubey & Ors

..... Respondents

.....
Mrs. S. S. Dviwedi for the Applicant.
Mr. T. J. Mendon for the Respondents.
.....

**CORAM : K.K.TATED, J.
DATED : JUNE 25, 2019**

P.C.

- 1 Heard learned counsel for the parties.
2. By this Civil Application, the Applicant insurance company is seeking to continue the interim relief granted by this Court by order dated 3rd May, 2019.
3. The learned counsel for the Applicant submits that this Court by order dated 3rd May, 2019 in Civil Application No. 1021 of 2019 stayed the operation and implementation of Judgment and award dated 29th June, 2018 passed by the Learned Motor Accident Claims Tribunal, Mumbai in Motor Accident Claim Petition No. 2185 of 2011 on condition

that the Applicant has to deposit the entire awarded amount with interest on or before 31st May 2019.

4. The learned counsel for the Applicant submits that, it remained on their part to comply the said order within time. She submits that they have deposited the entire awarded amount as per order dated 3rd May, 2019 in Tribunal on 12th June, 2019. She submits that in view these facts interim relief granted by this Court to continue till the hearing and final disposal of the First Appeal.

5. Considering the submission made by the learned counsel for the Applicant and averments made in Civil Application, I am satisfied that the Applicant has made out a case for allowing this Civil Application.

6. Hence, the following order:

- a. Delay in comply the order dated 3rd May, 2019 is condoned.
- b. The Motor Accident Claims Tribunal, Mumbai is directed to accept the amount deposited by the Applicant on 12th June 2019 in compliance of order dated 3rd May, 2019.
- c. Interim relief granted by this Court by order 3rd May, 2019 to continue till the hearing and final disposal of the First Appeal.
- d. The Civil Application stand disposed of accordingly.

(K.K.TATED, J.)