

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

**CIVIL APPLICATION NO. 2865 OF 2012
IN
FIRST APPEAL NO. 935 OF 2016
WITH
FIRST APPEAL NO. 935 OF 2016**

ICICI Lombard General Insurance
Co. Ltd.

....Applicant/Appellant

V/s.

Vaishali Devanaand Dhole and ors.

....Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for the applicant
in CAF/2865/2012 and for the appellant in FA/935/2016
and for the respondent in CAF/4204/2015.

Ms. Rina Kundu for respondent nos.1, 2, 4 and 5
and for the applicant in CAF/4204/2015.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th AUGUST, 2019

P.C.:-

ORDER IN CIVIL APPLICATION NO. 2865/2012 :-

1. The applicant herein has sought stay of the execution of the impugned judgment and award dated 04/10/2011 passed by the learned Member, MACT, Thane in MACP No.945/2007.

2. By the impugned judgment, the Claims Tribunal has awarded compensation of Rs.12,95,000/- with interest @ 7.5% from the date of petition till realization of amount.

3. Mr. Rahul Mehta, the learned counsel for the applicant – insurance company states that pursuant to the order dated 07/09/2012, the applicant has deposited the entire compensation as per the impugned judgment and award before the Claims Tribunal, Thane. The said statement is not controverted by the learned counsel for the respondents.

4. In the light of said statement, execution of the impugned judgment and award dated 04/10/2011 passed by the learned Member, MACT, Thane in MACP No.945/2007 is stayed till the disposal of the appeal.

5. Civil Application No.2865 of 2012 stands disposed of.

ORDER IN FIRST APPEAL NO. 935 OF 2016 :-

6. Compilation of documents, if any, to be filed in the registry within a period of one week with copy to the other side.

7. Place the Appeal with Civil Application No.4204/2015 on 23/08/2019.

Preeti H.
Jayani

Digitally signed by
Preeti H. Jayani
Date: 2019.08.21
15:12:42 +0530

(SMT. ANUJA PRABHUDESSAI, J.)