

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

**CIVIL APPLICATION (STAMP) NO.18196 OF 2019
WITH
CIVIL APPLICATION NO.3351 OF 2014
IN
FIRST APPEAL NO.1178 OF 2014
WITH
FIRST APPEAL NO.1178 OF 2014**

Mrs. Meena Mahesh Desai and Ors.Applicants

V/s.

The New India Assurance Co. Ltd.Respondents

...

Ms Ashwini Jadhav for the Appellant in FA/1178/2014 and for the Applicant in CAF/3351/2014 and for the Respondent in CAFST/18196/2019.

Ms Kavita Anchan I/b. Mr. Vishal Dhende for the Respondent Nos.1 and 2 in FA/1178/2014 and for the Applicant in CAFST/18196/2019.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 06th AUGUST, 2019.

P.C.:-

The learned counsel for the Appellant-Insurance company states that the entire amount of compensation as awarded by the impugned judgment and award has been deposited before the Claims Tribunal, Mumbai.

2. In the light of the said statement, execution of the

impugned judgment and award is stayed till the disposal of the appeal.

3. The civil application No.3351 of 2014 stands disposed of.
4. The learned counsel for the Applicants in Civil Application (stamp)No.18196 of 2019 states that she is restricting the prayer only for withdrawal of the amount deposited by the Appellant-Insurance Company in compliance of the impugned judgment and award dated 28th March, 2014 passed by M.A.C.T., Mumbai in M.A.C.P. No.227 of 2007.
5. The learned counsel for the Appellant-Insurance Company states that the challenge in the Appeal is restricted to grant of compensation of Rs.9,00,000/- She states that since the challenge is only to the quantum of compensation and that no statutory defence is raised, notice to the Respondent Nos.3 and 4 be dispensed with.
6. Considering the narrow controversy involved in the Appeal, parties are put to notice that an endeavour will be made to dispose of the Appeal finally at the stage of admission. Leave is granted to the Appellant-Insurance Company to file compilation of documents in the registry within a period of two weeks with copy to the other side. The

Appeal alongwith the civil application (stamp) No. 18196 of 2019 be listed for hearing on **27/8/2019**. Notice to the Respondent Nos.3 and 4 is dispensed with.

(SMT. ANUJA PRABHUDESSAI, J.)

Megha
Parab

Digitally
signed by
Megha Parab
Date:
2019.08.07
14:48:57
+0530