

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

CIVIL APPLICATION NO.1203 OF 2017
WITH
CIVIL APPLICATION NO. 1204 of 2017
IN
FIRST APPEAL (st) NO. 35590 OF 2016
WITH
FIRST APPEAL NO.(st) NO. 35590 OF 2016

The New India Assurance Co. Ltd.
Mumbai.

..Appellant

v/s.

Chetan Narendra Chaphekar & Anr.

..Respondents

Mr. D.S.Joshi for the Appellant
Mr. Niketan Nakhwa for the Respondent No.1.

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 14th AUGUST, 2019.**

P.C.

CIVIL APPLICATION NO. 1203 of 2017

1. The applicant herein has sought to condone the delay of 112 days in filing the appeal against the judgment and award dated 7th May, 2016 passed by the MACT, Mumbai, in MACP No.1524 of 2008.
2. In view of the reasons stated in para 4 of the application, which

in my considered view, constitute sufficient cause, delay is condoned. Civil application stands disposed of.

3. Appeal be registered. Office objections, if any, be removed within two weeks. It is made clear that if the office objections are not removed within stipulated time, the appeal shall stand dismissed without further reference to the court.

4. Issue notice to the respondents. Mr. Nakhwa waives service on behalf of the respondent no.1. The learned Counsel for the appellant states that no statutory defence is raised. Hence notice to respondent no.2 is dispensed with.

5. Appeal be listed for admission on 4th September, 2019.

CIVIL APPLICATION NO. 1204 of 2017

1. By this application the applicant-Insurance Company has sought to stay the execution and implementation of the impugned judgment and award dated 07.05.2016 passed by the MACT, Mumbai in MACP No. 1524 of 2008. The learned Counsel for the applicant states that entire amount along with interest has been deposited before the Tribunal.

6. In the light of the said statement, execution of judgment and award dated 07.05.2016 passed by the MACT, Mumbai in MACP No. 1524 of 2008 is stayed till disposal of the appeal.
7. Civil Application stands disposed of.

Prasanna
P.
Salgaonkar

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by Prasanna P.
Salgaonkar
Date: 2019.08.21
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(ANUJA PRABHUDESSAI, J.)