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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4064 of 2018
IN
FIRST APPEAL (ST) NO. 15559 of 2018
WITH
CIVIL APPLICATION NO. 4093 of 2018
IN
FIRST APPEAL (ST) NO. 15559 of 2018

Reliance General Insurance Co. Ltd
through Corporate officeApplicant/Appellant
V/s.

Mr. Prasadsing Pratapsing Pardeshi & OrsRespondents

Ms Kalpana R Trivedi i/b KMC Legal Venture, Advocate for the
Applicant/Appellant.

Mr Vasant N More, Advocate i/b. Mr T.J.Mendon, for the Respondent no.1.

CORAM : GAURI GODSE, J.

DATE : 21st October, 2022.

P.C.

Civil Application No. 4064 of 2018

1. This Application is filed for condonation of delay of 103 days in filing the First Appeal. First Appeal is filed for challenging Judgment and Order dated 28th September 2017 passed by the MACT, Thane in MACP No. 221 of 2008. Mr More appears for Respondent no. 1 and waives service.

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2. Learned Advocate for the Applicant on instructions states that since the Appeal is filed on the issue of quantum, the Applicant does not wish to press the Appeal against Respondent nos.2 and 3. Statement is accepted.
3. She further states that the Applicant shall deposit the entire amount as per the impugned Judgment and Order dated 28th September 2017 passed by the MACT, Thane in MACP No. 221 of 2008 within a period of four weeks from today. Considering the reasons stated in the Application delay is condoned and the application is allowed.
4. Office is directed to register the First Appeal.

First Appeal (St) No. 15559 of 2018

1. Admit. Mr. More waives service for Respondent No.1.
2. Learned Advocate for the Appellant has already made a statement that Appeal is not pressed against Respondent Nos.2 and 3.
3. Call for Record and Proceedings.
4. Printing is dispensed with.
5. Appellant to file private paper book within a period of eight weeks from today.

Civil Application No.4093 of 2018

1. This Civil Application is filed for stay of the execution and operation of the impugned Judgment and Order dated 28th September 2017 passed by the MACT, Thane in MACP No. 221 of 2008.

2. Learned Advocate for the Applicant states that the entire amount shall be deposited as per the impugned Judgment and Order dated 28th September 2017 passed by the MACT, Thane in MACP No. 221 of 2008 in the tribunal within a period of four weeks from today.

3. Learned Advocate for the Applicant has already made a statement that Appeal is not pressed against Respondent Nos. 2 and 3. Respondent No. 1 is represented by Advocate. This Civil Application can be disposed of by following order :

(i) Subject to the Applicant depositing in the tribunal the entire amount as per the Judgment and Award dated 28th September 2017 passed by the MACT, Thane in MACP No. 221 of 2008 within a period of four weeks from today, during the pendency of the First Appeal, there shall be interim relief in terms of prayer clause(a) which reads thus:

- (a) That this Hon'ble Court be pleased to stay the Effect/Execution/Operation and Implementation of the Judgment and Award dated 28.09.2017 passed in M.A.C.T. Application No. 221 of 2008 by V.V.Bambrade, District Judge-1 & Addl.Session Judge, Thane @ Thane.
- (ii) On making such deposit the Respondent No. 1 /Claimant will be entitled to withdraw 25% of the entire amount on furnishing an undertaking that the withdrawn amount shall be refunded if any such order is passed in the First Appeal.
- (iii) In the event the amount as directed by this Order is not deposited within the stipulated time the stay granted by this order shall stand vacated without further reference to the court.
- (iv) Civil Application is disposed in the above terms.
- (v) Liberty to the Applicant/Claimant to make an Application for withdrawal of further amount.

[GAURI GODSE, J.]