



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

**INTERIM APPLICATION NO. 1222 OF 2021
WITH
CIVIL APPLICATION NO. 3812 OF 2017
IN
FIRST APPEAL (ST.) NO. 22852 OF 2017**

Iffco Tokio General Insurance Co. Ltd. Applicant
v/s.
Smt. Shabaribai Pundalik Thakare and ors. Respondents

Ms. Deepika Prabhale i/b. Res Juris for the Applicant.
Mr. Bhushan Deshmukh a/w. Mr. Vedant Bende for
the Respondent Nos.1 to 3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 29th AUGUST, 2023.

P. C. :-

CIVIL APPLICATION NO. 3812 OF 2017 :-

. The Applicant – Insurance Company seeks to condone the delay of 83 days in filing the Appeal under section 173 of the Motor Vehicles Act.

2. In view of the reasons stated in paragraph nos.4 to 8 of the application which in my considered view, constitute sufficient ground. Hence, the delay is condoned. Appeal is ordered to be registered to file after removal of office objections, if any.

3. Civil Application stands disposed of.

INTERIM APPLICATION NO. 1222 OF 2021 :-

4. The records reveal that the Applicant had earlier filed an application for stay being Civil Application No.3813/2017. By order dated 25/07/2019, this Court had granted ad-interim relief and stayed execution of the impugned judgment subject to deposit of the entire amount within a period of eight weeks. The Applicant – Insurance Company failed to comply with the said order. Hence, by order dated 08/03/2021, this Court vacated the ad-interim relief and disposed of the application.

5. The applicant has once again filed an application seeking stay of execution and implementation of the impugned judgment and order dated 21/01/2017 in MACP No.376/2011. Learned counsel for the Applicant states that the Applicant is still in the process of complying with the previous order. The Applicant has not assigned reasons for not depositing the money till date. No grounds made out to vary the order dated 08/08/2021. Hence, I am not inclined to stay execution and implementation of the impugned judgment and order dated 21/01/2017 in MACP No.376/2011. The Interim Application stands dismissed.

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6. Mr. Bhushan Deshmukh, learned counsel waives service on behalf of Respondent Nos.1 to 3. Considering that the accident is of the year 2011, parties are put to notice that an endeavour will be made to decide the Appeal finally at the stage of admission. Leave granted to file the compilation of documents within a period of two weeks.

7. Stand over to 11/09/2023.

(SMT. ANUJA PRABHUDESSAI, J.)