

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

**FIRST APPEAL NO.717 OF 2023  
WITH  
CIVIL APPLICATION NO.6 OF 2021  
AND  
CIVIL APPLICATION NO.1173 OF 2017  
IN  
FIRST APPEAL NO.717 OF 2023**

The Oriental Insurance Company Limited ... Appellant

Vs.

Shri Birbal Gudadji Survasiya and anr. ... Respondents

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Ms.Anisha Didwania i/by M/s NDB Law, Advocate for the Appellant/Applicant in CAF No.1173 of 2017.

Ms.Varsha Chavan, Advocate for the Respondent No.1/Applicant in CAF No.6 of 2021.

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**CORAM : ABHAY AHUJA, J.  
DATE : 21 JULY, 2023.**

**P.C. :**

**CIVIL APPLICATION NO.1173 OF 2017**

1. This is an application seeking stay on the impugned judgment and award dated 22<sup>nd</sup> July, 2016 passed by the Motor Accident Claims Tribunal, Mumbai in Claim Application No.1382 of 2010. Learned counsel would submit that on 20<sup>th</sup> April, 2017 this court had stayed the execution

of the impugned judgment and award subject to deposit of the entire decretal amount. She would submit that the entire decretal amount has already been deposited in MACT, Mumbai and the stay granted earlier to continue till the final disposal of the appeal.

2. Ms.Varsha Chavan, learned counsel for the Respondent No.1 has no objection if the stay is continued till final disposal of the appeal.

3. Having heard learned counsel and having perused the application, let the stay granted on 20<sup>th</sup> April, 2017 be continued till the final disposal of the appeal.

4. The civil application stands disposed.

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5. This is a First Appeal impugning the decision of the Tribunal primarily on the ground that the driver was not having a valid driving license.

6. Considering the decision of the Hon'ble Supreme Court in the case

of **National Insurance Company Limited Vs. Swaran Singh and ors.**<sup>1</sup>, this court deems it appropriate that the matter be heard finally at the stage of admission.

7. Accordingly, list the matter for final disposal on 19<sup>th</sup> August, 2023.
8. Registry is directed to call for the record and proceedings by the next date.
9. Let compilation of documents also be filed by the next date.

**(ABHAY AHUJA, J.)**

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<sup>1</sup> (2004)3 SCC 297