

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4205 OF 2018

IN

FIRST APPEAL (ST) NO.17892 OF 2018

WITH

CIVIL APPLICATION NO.4206 OF 2018

IN

FIRST APPEAL (ST) NO.17892 OF 2018

NATIONAL INSURANCE CO. LTD.

)...APPELLANT

V/s.

SHRI. VASANT RAMCHANDRA MORE & ORS.

)...RESPONDENTS

Mr.Amol Gatne, Advocate for Applicant/Appellant.

Ms.Neha D. Nagotaneekar i/b. Mr.Pratap Patil, Advocate for the Respondent No.1.

Mr.Manjeet Lotankar h/f. Mr.D.D.Rananaware, Advocate for the Respondent No.3 – MSRTC.

CORAM : ABHAY AHUJA, J.

DATE : 22nd JUNE 2023

PC. :

CIVIL APPLICATION NO.4206 OF 2018

1. This is an application seeking stay on the execution of the judgment and award dated 22nd April 2017 passed by Motor Accident Claims Tribunal, Alibaug in Motor Accident Claim Petition No.62 of 2011.

2. Mr.Gatne would submit that earlier an ad-interim order dated 23rd September 2019 was granted by this Court subject to deposit of the entire decretal amount. Learned Counsel submits that the next date in the execution proceedings is 29th June 2023 and seeks continuation of the stay.

3. Ms.Neha, learned Counsel for the Respondent no.1/original claimant confirms that the entire decretal amount has been deposited in the Court.

4. Mr.Gatne has also annexed to his praecipe a receipt of the District Court, Raigad, evidencing deposit of Rs.7,90,125/- in the District Court at Raigad.

5. Having heard the learned Counsel and having perused the application as well as the papers produced by the learned Counsel, let the stay, granted earlier, continue till the final disposal of the Appeal.

6. The Application stands disposed.

CIVIL APPLICATION NO.4205 OF 2018

7. This is an application by the Insurance Company that has insured the offending truck seeking condonation of delay of 319 days in preferring the Appeal against the award dated 22nd April 2017.

8. Mr.Gatne, learned Counsel, draws the attention of this Court to paragraphs 2, 3 and 4 to explain the delay.

9. Ms.Neha Nagotanekar for the Respondent no.1 and Mr.Manjeet Lotankar for the Respondent no.3 have no objection if the delay is condoned. It is noted that the Appeal stands dismissed as against the Respondent no.2.

10. Having heard the learned Counsel and having perused the application, let the delay of 319 days in preferring the Appeal be condoned. Let the First Appeal be registered.

11. The Application stands disposed.

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12. List the First Appeal for Admission on **20th July 2023**, subject to removal of all office objections.

13. Let a copy of the First Appeal be served on the learned Counsel for the Respondents by the next date.

(ABHAY AHUJA, J.)