

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

FIRST APPEAL NO. 407 OF 2017

WITH

CIVIL APPLICATION NO.3536 OF 2009

The New India Assurance Co. Ltd.

...Petitioner

Versus

Milind Manohar Lakhan And Anr

...Respondents

WITH

FIRST APPEAL NO. 408 OF 2017

WITH

CIVIL APPLICATION NO.3537 OF 2009

The New India Assurance Co. Ltd.

...Petitioner

Versus

Trupti Ajay Tandel And Ors

...Respondents

WITH

FIRST APPEAL NO. 409 OF 2017

WITH

CIVIL APPLICATION NO.3535 OF 2009

The New India Assurance Co. Ltd.

...Petitioner

Versus

Rajan Manohar Lakhan And Anr

...Respondents

Mr. S. M. Dange for the Applicants.

Mr. T. J. Mendon for the Respondent No.1.

CORAM: RAJESH S. PATIL, J

DATED: 11th September, 2023

PC:-

CIVIL APPLICATION NO.3536 OF 2009

1. This Civil Application seeks stay to the execution of the impugned Judgment and Order dated 31 January, 2009 passed in MACT Application

No.2528 of 2000 by MACT, Mumbai.

2. The learned counsel for the Applicant states that the Appellant - New India Assurance Company Ltd., has already deposited the entire decretal amount in the Lower Court, Mr. Mendon, the learned advocate for Respondent No1. Confirms the same.

3. In view of the same, the order dated 1st September, 2009 is hereby confirmed.

4. The sum of Rs.25,000/- deposited in this Court as per Section 173 of the Motor Vehicle Act, 1988 should be transferred to the MACT, Mumbai.

4. The Civil Application No. 3536 of 2009 is accordingly disposed of.

CIVIL APPLICATION NO.3537 OF 2017

1. This Civil Application seeks stay to execution of impugned judgment and order dated 31 January, 2009 passed in MACT Application No.2528 of 2000 by MACT, Mumbai.

2. The learned counsel for the Applicant states that the Appellant has already deposited the entire decretal amount in the Lower Court, Mr. Mendon, the learned advocate for Respondent No1. Confirms the same.

3. In view of the same, the order dated 1st September, 2009 is hereby confirmed.

4. The sum of Rs.25,000/- deposited in this Court as per Section 173 of the Motor Vehicle Act, 1988 should be transferred to the MACT, Mumbai.

4. The Civil Application No. 3537 of 2009 is accordingly disposed of.

CIVIL APPLICATION NO.3535 OF 2017

1. This Civil Application seeks stay to execution of impugned judgment and order dated 31 January, 2009 passed in MACT Application No.2528 of 2000 by MACT, Mumbai.

2. The learned counsel for the Applicant states that the Appellant has already deposited the entire decretal amount in the Lower Court, Mr. Mendon, the learned advocate for Respondent No1. Confirms the same.

3. In view of the same, the order dated 1 September, 2009 is hereby confirmed.

4. The sum of Rs.25,000/- deposited in this Court as per Section 173 of the Motor Vehicle Act, 1988 should be transferred to the MACT, Mumbai.

4. The Civil Application No. 3535 of 2009 is accordingly disposed of.

FIRST APPEAL NO. 407 OF 2017

WITH

FIRST APPEAL NO. 408 OF 2017

WITH

FIRST APPEAL NO. 409 OF 2017

1. The parties have stated that short issue is involved in the Appeals and the same can be disposed of at an early date of hearing. The learned counsel for the parties requested the matter be kept on 9 October, 2023. In the

meantime, they will prepare short synopsis along with notes of arguments and the list of authorities relied upon by them.

2. These First Appeals be kept on 9th October, 2023.

(RAJESH S. PATIL,J.)