

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO.2977 OF 2019

IN
FIRST APPEAL NO.1468 OF 2019

Bharti Axa General Insurance Company Ltd., through its Manager (Legal) Shri Idris
Zahid Khanwala

Vs.

Nandabai wd/o Ramesh Kale and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Abhishek Bhuibhar, Advocate h/f Mr. R. D. Bhuibhar, Advocate for appellant.
Mr. Amol P. Gase, Advocate for respondent No.5.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 27/04/2023

1. By this application, the appellant is seeking stay to the effect, operation, implementation and execution of the impugned Judgment and Award passed in Motor Accident Claims Petition No.173/2014 passed by Motor Accident Claims Tribunal, Akola.

2. Learned Advocate Mr. Bhuibhar submitted that by the impugned judgment, respondent Nos.6 and 7 and the present appellant, who was respondent No.5 before the Lower Court, were directed to deposit 50% of the total compensation amount. Thus, the liability of the present appellant is 50%.

3. In view of that, the appellant to deposit the entire amount of compensation of his liability i.e. 50% along with accrued interest within ten weeks.

4. On depositing the said amount along with accrued interest, the effect, operation, implementation and execution of the impugned is stayed till final disposal of the appeal.

5. On failure to deposit the said amount, the stay granted will be vacated without further reference to the Court.

Civil Application is disposed of.

First Appeal No.1468/2019

1. Heard.

2. **Admit.**

3. Learned Advocate Mr. Amol Gase, waives notice for respondent No.5.

4. Call for record and proceedings.

5. Appellant to file paper book within ten weeks, after receipt of record and proceedings.

6. Appeal be placed after filing of the paper book, its verification, as per its own turn.

(URMILA JOSHI-PHALKE, J.)

Sarkate