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

**CIVIL APPLICATION [CAF] NO.97 OF 2024**

**IN**

**CIVIL APPLICATION [CAF] NO.95 OF 2024**

**IN**

**FIRST APPEAL ST. NO.24748 OF 2023**

(The Divisional Manager, the National Insurance Company Limited .vs. Ashok s/o Arjun Ganvir and others)

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. A.M. Kukday, Advocate for Applicant-Appellant.

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**CORAM : ANIL L. PANSARE, J.**

**DATE : 12<sup>th</sup> JANUARY, 2024.**

. The applicant - National Insurance Company is seeking to condone the delay of 334 days in filing the appeal against the award dated 10.10.2022 passed by the Motor Accident Claims Tribunal, Nagpur.

2. The learned counsel for the applicant submits that the delay has occurred because of administrative exigencies.

3. It is unfortunate that the respondent nos.1 and 2—the original claimants, who suffered a casualty in an accident that occurred on 10.10.2013, are awaiting compensation.

4. Prima facie, it appears that the applicant-insurance company has not discharged its burden by extending help in time.

5. At this stage, learned counsel for the applicant submits that the insurance company has been exonerated by the Tribunal in other cases arising out of the same accident, and therefore, insurance company has an arguable case here.

6. In the light of aforesaid submission, but considering the fact that the respondent nos.1 and 2 are awaiting compensation for almost 10 years, the stay to the execution proceeding pending present application shall be subject to the applicant depositing entire amount under impugned award, including interest. Issue notice, made returnable in three weeks.

7. It is made clear that the stay will come into effect on the date the applicant's will deposit the entire amount of the compensation before this court and also on placing the acknowledgement before the Executing Court. Till then, the Executing Court need not take cognizance of the present order.

8. The copy of order be served upon the Executing Court.
9. Stand over to 5<sup>th</sup> February, 2024.

(ANIL L. PANSARE, J.)