

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (ST) NO.5210 OF 2018
WITH
CIVIL APPLICATION NO. 2810 OF 2018
AND
CIVIL APPLICATION NO. 2811 OF 2018
IN
FIRST APPEAL (ST) NO.5210 OF 2018**

IFFCO Tokio General Insurance .. Appellant
Company Limited

Versus

Smt. Savita Vinod Ingal and Ors. .. Respondents

...

Mr. Vikrant V. Parashurami for the Appellant.
None for the Respondent.

...

**CORAM: BHARATI DANGRE, J.
DATED : 31st MARCH, 2022**

P.C:-

Civil Application No. 2810 of 2018

1. By the present application the delay of 23 days in instituting the appeal is sought to be condoned.
2. Heard learned counsel for the applicant. Perused the application. The reasons for delay are contained in

paragraph 31 of the application and on its perusal it is apparent that the delay is procedural and therefore bonafide.

3. Civil Application no. 2810 of 2018 is allowed.
4. First Appeal (St) No. 5210 of 2018 shall be restored.

Civil Application No. 2811 of 2018

1. This application seeks stay to the Judgment of the Motor Accident Claims Tribunal at Nashik being MACP No. 865 OF 2014. In the Appeal, the Judgment is assailed on various grounds which are fundamental for fixing the liability of compensation upon the appellant, which include ground of identification of the offender as well as fundamental breach of the policy.

2. The learned counsel submits that the appellant has made out a case on merits and since execution proceeding are instituted by the claimant, the insurance company is ready to deposit the amount of compensation awarded in the impugned judgment along with the interest accruing therein and calculated upto 31st March, 2022 before the tribunal within a period of four weeks from today.

Subject to the aforesaid deposit, there shall be stay to the effect and operation of the impugned order.

3. Issue notice on the respondent returnable on 8th June, 2022.

4. The appellant is also directed to file private paper book comprising of relevant documents so that an endeavour shall be made to take up the matter for final hearing.

(SMT. BHARATI DANGRE, J.)