

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

**CIVIL APPLICATION NO.135 OF 2018  
IN  
FIRST APPEAL ST. NO.24429 OF 2017**

The New India Assurance Co. Ltd. ... Applicant

Vs.

Faiyaz Ali Huseinali Ladha & Ors. ... Respondents

Ms.Poonam R. Mittal for the Applicant  
Mr.M.P. Rao i/b Samarth R. Moray for Respondent No.1

**CORAM: Mrs.MRIDULA BHATKAR, J.  
DATED: JANUARY 16, 2018**

**P.C. :**

1. Upon urgent mentioning, taken on Production Board.
2. This Civil Application is moved by the applicant / insurance Company seeking stay to the operation and execution of the impugned judgement and award dated 19.11.2016 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai, in M.A.C.P. No.2350 of 1994, as execution proceedings are moved against the insurance company. The learned Counsel for the applicant/appellant submits that the insurance company has already deposited the entire decretal amount alongwith interest accrued thereon.

3. In view of the above, issue notice to the respondents, returnable on **13.3.2018**. Mr.Rao, waives notice on behalf of respondent No.1. In the meanwhile, the operation and execution of the impugned judgement and award is stayed *qua* the applicant only, pending final hearing of the appeal. The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of appeal shall be transferred to the concerned Motor Accident Claims Tribunal. The learned Counsel for the appellant shall file copies of the Memo of Appeal in the Registry, to be furnished to the other side.

4. S.O. to 13.3.2018.

**(MRIDULA BHATKAR, J.)**