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

**CIVIL APPLICATION NO. 424 OF 2013
IN
FIRST APPEAL (ST) NO. 35757 OF 2012**

Iffco Tokio General Insurance Co. Ltd. ... Applicant

v/s

Dharmi Navsa Mahji Tumda & ors. ... Respondents

Mrs.Kalpana R. Trivedi for the applicant.

None present for the respondents.

CORAM : SHRIHARI P DAVARE, J.

DATE : 26TH FEBRUARY, 2013

P C.:

1 Heard.

2 This is an application preferred by the applicant/appellant seeking stay to the execution and implementation of the award dated 10th May, 2012 passed by the learned Member, M.A.C.T., Thane, in M.A.C.P No.53 of 2011.



3. Rule. Rule made returnable after six weeks. In addition, the applicant is permitted to serve private notice to respondents simultaneously by Registered Post A.D./speed post, and/or by courier service and/or by hand delivery and shall file an affidavit of service to that effect on the next date.

4 Stand over for six weeks.

5 In the meantime, learned counsel for the applicant, on instructions, stated that the applicant shall deposit the entire award amount along with interest and other charges under the impugned judgment and order dated 10th May, 2012 before the Tribunal, within the period of two weeks and the said statement is accepted and taken on record.

6 In view of the said statement and its acceptance, issue ad-interim relief in terms of prayer clause 3(a) of the present application to the extent of applicant only, till the next date, upon



depositing the entire award amount along with interest and other charges, etc., under the impugned judgment and order dated 10th May, 2012, by the applicant before the learned Tribunal, within a period of two weeks. However, it is made clear that, if the applicant fails to comply with the said direction, the ad-interim relief granted in favour of the applicant shall stand vacated automatically without further reference to the Court.

7 Statutory amount deposited by the applicant/appellant before this Court, be transferred to the concerned Tribunal.

(SHRIHARI P. DAVARE, J.)