

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

CIVIL APPLICATION NO.944 OF 2015
IN
FIRST APPEAL (ST) NO.3156 OF 2015

Reliance General Insurance Co. Ltd. ...Applicant

V/s.

Shital Ramanlal Bafna & Anr. ...Respondent

Ms. Deepika Motagi i/b. Respondent Juris for the Applicant.

CORAM: K.K. TATED, J.
DATED : MARCH 3, 2015

PC. :

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.
2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 08/08/2014 passed by the MACT Pune in MACP No.242/2010 by which the the Tribunal held that the Respondent claimant is entitled to sum of Rs.4,50,000/- with 9% p.a. interest by way of compensation.
3. The learned counsel for the Applicant submits that the Respondent claimant filed Execution Application No.266/2014. The Tribunal erred in coming to the conclusion that the Insurance Co. is liable to pay compensation because the cheque issued by the owner of

the offending vehicle towards payment of insurance premium was dishonoured, therefore, there is no question of putting any liability on the Insurance Co. She submits that they have good chance of success in the present proceedings. If stay is not granted, irreparable loss and injury will be caused to the Applicant. The Insurance Co. is ready and willing to deposit the entire decretal amount in the Tribunal within 4 weeks from today. Statement is accepted.

4. In the present proceedings, the Applicant lost his mother in an accident which occurred on 18/05/2008. At the time of accident, the deceased was of 50 years. Considering these facts, I am of the opinion that the Respondent-Claimant is entitled to withdraw some amount at present, without furnishing any security.

5. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 08/08/2014 passed by the MACT Pune in MACP No.242/2010 is stayed, subject to the Applicant depositing the entire decretal amount including costs, interest and charges, if any in the Tribunal within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is not deposited within stipulated time as stated hereinabove, the Respondent-Claimant will be entitled to execute the impugned judgment and award according to law.

c) If amount is deposited within stipulated time as stated hereinabove, the Respondent No.1 Shital Ramanlal Bafna is entitled to withdraw sum of Rs.1,50,000/- with accrued interest without furnishing any security.

- d) The Tribunal is directed to invest the remaining amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders.
- e) Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the remaining amount, if they so desire, which will be decided on its own merits.
- f) Civil Application stands disposed off accordingly.

(K.K. TATED, J.)