

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

**CIVIL APPLICATION NO. 4329 OF 2014
IN
FIRST APPEAL NO. 1497 OF 2014**

The New India Assurance Co. Ltd. ... Applicant
V/s.
Smt. Sangita Tatye Shinde & Ors. ... Respondents

Mr. D.R. Mahadik for the applicant.
Mr. M.A. Utogikar for the respondent nos. 1 to 3.

**CORAM : K. K. TATED, J.
DATED : 02/02/2015.**

PC.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 Heard learned Counsel for the parties.

3 The learned counsel for the applicant submits that this court by order dated 22.12.2014 granted ad-interim relief till today. Hence, he has mentioned the matter for extension of the same.

4 This application is preferred by original opponent no.2 Insurance Company for stay of operation and implementation of Judgment and Award dated 15.03.2014 passed by the Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 401 of 2010 holding that the respondents claimants are entitled to total compensation of Rs.23,04,345/- with 7% interest from the date of application till the

date of payment.

5 The learned Counsel for the applicant submits that as per order dated 22.12.2014 passed by this Court, they already deposited entire decretal amount before the Tribunal. Statement is accepted.

6 The learned Counsel for the respondents claimant nos. 1 to 3 submits that they preferred application for withdrawal of amount. That application be decided on its own merits.

7 Considering the submissions made by the learned Counsel for the applicant and as entire amount is deposited by the applicant before the Tribunal, I am satisfied that applicant has made out case for allowing Civil Application.

8 Hence, the following order.

i) Civil Application is allowed in terms of prayer clause (a), which reads thus:

“a) That pending the hearing and final disposal of the appeal, the operation of the Judgment and order 15.03.2014 passed by Hon'ble N.P.Dhote, Member, the Motor Accident Claims Tribunal, Pune in M.A.C.T. Application no. 401 of 2010, be stayed.”

ii) Liberty granted to the respondents claimants to preferred appropriate application for withdrawal of the amount and that application will be decided on its own merits.

iii) Tribunal is directed to invest the entire amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

(K.K.TATED, J.)