

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3736 OF 2015
IN
FIRST APPEAL st. NO.28195 OF 2015

The New India Assurance Co. Ltd.

... Applicant

Vs.

Smt.Suman Nivrtti Kadam & Ors.

... Respondents
(org. Applicants)

Mr.D.S. Joshi for the Applicant

Mr.T.J. Mendon for Respondent Nos.1 to 4

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **30th OCTOBER, 2015**

P.C.:

The learned Counsel for the insurance company prays for stay to the operation and implementation of the impugned judgment and award dated 27.3.2015 passed by the Motor Accident Claims Tribunal, Mumbai in MACP No.474 of 2009. By the impugned judgment, the Tribunal has granted compensation of Rs.15,50,000/- with interest @ 7.5% p.a. from the date of the application. The learned Counsel for the appellant/insurance company submits that the appellant is restricting the challenge in the appeal to Rs.7,30,000/-. However, the insurance company is ready to deposit the entire decretal amount alongwith interest accrued thereon, within a period of six weeks.

3. In view of the above, stay granted pending admission, to the operation and execution of the impugned judgement and award, subject to the applicant depositing in the MACT, Mumbai, the entire decretal amount alongwith interest accrued thereon, within a period of six weeks from today. The applicant No.1 is allowed to withdraw Rs.1 lakh and applicant Nos.2 to 4 children as also the mother are allowed to withdraw Rs.50,000/- each. The remaining amount to be invested in a fixed deposit of a nationalised bank. The statutory amount of Rs.25,000/- deposited in this Court at the time of filing of appeal shall be transferred to the Motor Accident Claims Tribunal.

4. Civil Application No.3736 of 2015 is disposed of accordingly.

5. List the First Appeal for admission after four weeks.

(MRIDULA BHATKAR, J.)