

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**CIVIL APPLICATION NO.1073 OF 2017**  
**IN**  
**FIRST APPEAL (ST) NO. 6107 of 2017**

|                                          |     |             |
|------------------------------------------|-----|-------------|
| Bajaj Allianz General Insurance Co. Ltd. | ... | Appellant   |
| Versus                                   |     |             |
| Nirmala Yuvraj Dardige & Ors.            | ... | Respondents |

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Mr. D.S. Joshi for Appellant.  
Mr. Sanjay A. Ghaisas for Respondent No.1.

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**CORAM : S.C.GUPTE, J.**

**DATE : 11 APRIL 2017**

**P.C. :**

1. Civil Application No.1073 of 2017 is for stay of execution of the impugned judgement and award dated 16 April 2016 passed by the MACT, Alibaug in MACP No.596 of 2009. The decretal amount under the impugned judgment and award is for a sum of Rs.27,08,160/- along with interest at the rate of 8% per annum from the date of the petition till its realisation.
2. Learned Counsel for the Appellant offers to deposit the entire decretal amount with interest upto date before the

MACT, Alibaug as a condition for stay of execution of the impugned judgement and award.

3. In the facts of the case, considering that the claim is being made by legal heirs for a fatal accident and the main ground urged in the First Appeal reflects only on the quantum of compensation, it is in the interest of justice that the Respondent widow should be permitted to withdraw a part of the amount deposited by the Appellant.

4. In the premises the following order is passed:

(I) Subject to the Appellant depositing the entire decretal amount with interest upto date within a period of two weeks from today before MACT, Alibaug, further proceedings in execution of the impugned judgment and award dated 16 January 2016 are stayed until further orders;

(II) Respondent No.1 shall be entitled to withdraw without security a sum of Rs.5 lakhs. Balance amount from out of the sum deposited by the Appellant before MACT, Alibaug in accordance with this order to be kept in fixed deposits of a nationalised bank;

(III) The parties and MACT, Alibaug to act on the authenticated copy of this order;

(IV) The Civil Application is disposed of accordingly.

5. Notice to Respondent Nos.5 and 6. Respondent Nos.1 to 3 waive service. Respondent No.4 has since been deceased. The first appeal to come up for admission on 2 May 2017.

**(S.C.GUPTE,J)**