

Amk

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

**CIVIL APPLICATION NO. 1016 OF 2019
IN
FIRST APPEAL (STAMP) NO. 2921 OF 2019**

Shriram General Insurance Co. Ltd. .. Applicant
Vs.
Smt. Mangal Apasaheb More & Ors. .. Respondents

Mr. Nikhil Mehta I/b KMC Legal Venture for the Applicant.

CORAM : K. K. TATED, J.
DATE : 20th MARCH, 2019.

P. C. :

1. Heard learned Counsel Mr. Mehta for the Applicant.
2. Learned Counsel for the Applicant submits that by this Civil Application, the Applicant-Company is seeking stay of the operation and implementation of the Judgment and Award dated 01.09.2018 passed by Motor Accident Claim Tribunal, Kolhapur in Motor Accident Claim Petition No. 394 of 2015 holding that the Respondents-Claimants are entitled for compensation of Rs.8,26,000/- with interest @ 9% p.a. from the date of application till its realisation.
3. Learned Counsel for the Applicant submits that the Tribunal failed to consider the relevant fact that at the time of accident, the driver of the vehicle was not holding valid license, therefore, they have good chance to succeed in the present Appeal. He further submits that the Applicant is ready and willing to deposit the entire amount in the Tribunal within four

weeks from today.

4. Considering the submission made by learned Counsel for the Applicant and averments in the Civil Application, I am satisfied that the Applicant has made out case for allowing the Civil Application. Hence, the following order:

- (i) Operation and implementation of the impugned Judgment and Award dated 01.09.2018 passed by Motor Accident Claim Tribunal, Kolhapur in Motor Accident Claim Petition No. 394 of 2015 is stayed till further orders on condition that the Applicant to deposit the entire amount awarded along with interest in Tribunal on or before 30.04.2019, failing which the Civil Application shall stand dismissed of without referring back to this Court.
- (ii) If, the amount is deposited within stipulated time as stated above, the Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.
- (iii) Liberty granted to the Respondents-original Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount, which will be decided on its own merits.
- (iv) The Civil Application is disposed of accordingly.

[K. K. TATED, J.]