

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

**CIVIL APPLICATION NO. 1712 OF 2018
IN
FIRST APPEAL (ST.) NO. 25952 OF 2017**

The New India Insurance Co. Ltd.

..... Applicant.

Vs.

Bebitai @ Bebi Vishwas Khamkar & Ors.

..... Respondents.

.....

H. B. Takke I/b Milind More for the Applicant.

S. B. Patil I/b Akshay Kulkarni for Respondent Nos. 1 & 2.

.....

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019**

PC.

1 Heard Learned Counsel for the parties.

2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and award dated 31/01/2017 passed by the Motor Accident Claims Tribunal, Islampur in Motor Accident Claim Petition No. 83/2013.

3. The Learned Counsel for the Applicant submits that, the Applicant has deposited the entire awarded amount in Tribunal. The statement is accepted. He further submits that, in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and award during the pendency of the First Appeal. He submits that if the amount is

withdrawn by the Respondents/Original Claimants then nothing will survive in the present proceeding.

4. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application and as the entire amount is deposited in Tribunal, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

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

“a. To stay the execution of the Judgment and award dated 31st January, 2017 passed by the Learned Member, Motor Accident Claim Tribunal at Islampur in Motor Accident Claim Petition No. 83 of 2013.”

b. The Tribunal is directed to invest the entire amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. Liberty is granted to the Respondent/Original Claimants if they so desire to prefer an appropriate application for withdrawal of amount which will be decided on its own merits.

d. Civil Application is disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)