

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3418 OF 2017
IN
FIRST APPEAL (ST) NO. 29834 OF 2017**

National Insurance Company Ltd.
Through its Mumbai Regional Office. Applicant.

Vs.

Smt. Sujata Sanjay Madkari and ors. Respondents.

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Mr. Rahul Mehta i/by KMC Legal Venture for the applicant.
Mr. Sudhakar G.Thorat for respondent Nos.1 and 2.

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**CORAM : K.K.TATED, J.
DATED : AUGUST 19, 2019**

P.C.

Heard Learned Counsel for the parties.

2. By this Civil Application, applicant/Insurance Company is seeking stay of operation and implementation of the impugned Judgment and Award dated 22/12/2016 in Motor Accident Claims Petition No.56 of 2012, holding that respondents/claimants are entitled to sum of Rs.26,74,727/- by way of compensation with interest at the rate of 9% p.a.

3. The Learned Counsel for the applicant submits that applicant has already deposited entire amount in Tribunal. He submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court may be pleased to stay the operation and implementation of impugned Judgment and Award passed by the Tribunal. He submits that if entire amount is withdrawn by the claimants, nothing will survive in the present case.

4. Considering the submissions made by the Learned Counsel for the applicant and the averments made in Civil Application, I am satisfied that applicant has made out case for following order;

ORDER

(a) Operation and implementation of Judgment and Award dated 22/12/2016 passed by the Motor Accident Claims Tribunal, Gandhinglaj in Motor Accident Claim Petition No.56 of 2012 is stayed, pending the hearing and final disposal of the First Appeal, on condition that the applicant/Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within four weeks from today, failing which, the civil Application shall stand dismissed without further reference to the Court.

- (c) The Tribunal is directed to invest the remaining award amount in a Fixed Deposit account of any Nationalized Bank, initially for a period of one year and same to be continued till further orders.
- (d) Civil Application stands disposed of accordingly.
- (e) No order as to costs.

(K.K.TATED, J.)