

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

**CIVIL APPLICATION NO. 1815 OF 2015  
IN  
FIRST APPEAL NO. 628 OF 2015**

The New India Assurance Company Ltd.

& Ors.

.... Applicants

**V/s.**

Smt. Alaka Nanasaheb Markad & Ors.

..... Respondents

.....

Mr. Shrikant M. Dange for Applicant.

Mr. Purushottam G. Chavan for Respondent 1 to 6.

.....

**CORAM : K.K.TATED, J.**

**DATED : 11<sup>th</sup> October, 2019**

**P.C.**

1. Head Learned Counsel for the parties.

2. By this Civil Application, Applicants/Insurance Company is seeking stay of the operation and implementation of impugned Judgment and Award dated 1<sup>st</sup> September, 2014 passed by Motor Accident Claims Tribunal, Solapur in Motor Accident Claim Petition No. 67 of 2010 holding that the respondents/claimants are entitled sum of Rs. 8,15,000 by way of compensation with interest @ 7% p.a.

3. The learned Counsel for applicant submits that, they have already deposited the entire awarded amount with interest in Tribunal. Statement is accepted.

4. The Learned counsel for Applicants submits that, pending the hearing and final disposal of the First Appeal, this Hon'ble Court 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 He submits that, if entire amount is withdrawn by the respondents/claimants, then nothing will survive in the present proceeding.

5. Considering the submissions made by the learned counsel for applicants and averments made in Civil Application I satisfy that, applicant has made out case for allowing this Civil Application. Hence, following order.

**ORDER**

a) Civil Application is allowed in terms of Prayer Clause 'a' which read thus :

*(a) Pending the hearing and final disposal of the above appeal, the judgment and award dated 1.9.2014 passed by Member, Motor Accident Claims Tribunal, Solapur in M.A.C.P. No. 67/2010 be stayed.*

b) Tribunal is directed to invest amount in fixed deposit to any Nationalized Bank initially for a period of one year and same to be continued till further order.

c) Application filed by Respondents/Claimants for withdrawal of the amount, bearing Interim Application No. 1 of 2019 to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

**(K.K.TATED, J.)**