

Tikam

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

CIVIL APPLICATION No. 1371 OF 2019

IN

FIRST APPEAL No. 414 OF 2019

Shriram General Insurance
Company Limited

...Applicant

Vs.

Mast. Tejas Ananda Shinde
through Legal Guardian father
Shri Ananda Shamrao Shinde
and Ors.

...Respondents

Mr. Nikhil Mehta i/b. KMC Legal Venture for Applicant

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 24, 2019

P.C.:

1. Heard learned counsel Mr. Nikhil Mehta for Applicant.

2. By this Civil Application, the Applicant Insurance Company is seeking stay of the operation and the implementation of the impugned Judgment and Award dated 27th September, 2018 passed by the Motor Accident Claims Tribunal, Islampur, Dist. Sangli in Motor Accident Claims Petition No. 09 of 2012 holding that the Respondents/Claimants are entitled sum of Rs. 2,74,600/- by way of compensation along with interest @ 9% p.a.

3. Learned counsel for the Applicant submits that he received instructions from his client they are ready and willing to deposit the entire awarded amount with interest on or before 31st May, 2019 in Motor Accident Claim Tribunal, Islampur, Dist. Sangli. Statement is accepted.

4. Learned counsel for the Applicant submits that during the pendency of the present First Appeal, the operation and implementation of the impugned judgment and award may be stayed. He submits that if the entire amount is recovered by the Respondents/Claimants by their execution application, then nothing will survive in the present proceedings.

5. It is to be noted that in the present matter, accident which occurred on 20th December, 2011, the Original Claimant Mas. Tejas Aanda Shinde sustained injury. He suffered 15% permanent disability. Taking into consideration this fact, the Respondents/Claimants may be permitted to withdraw some amount.

6. Considering the submissions made by learned counsel for the Applicant, the averments made in the civil application and as the Applicant is ready and willing to deposit the entire awarded amount in the tribunal, I am satisfied that the Applicant has made out a case for allowing the present civil application. Hence, following order:

ORDER

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

“(a) That this Hon'ble Court be pleased to stay the execution of being aggrieved and dissatisfied by the Judgment and Award dated 27.09.2018 passed in M.A.C.T. Application No.09 of 2012 by Learned Member Mr. R.B. Rote, MACT Islampur, Dist. Sangli”.

On condition that the Applicant to deposit the entire awarded amount in Tribunal on or before 31st May, 2019, failing which civil application shall stand dismissed without referring back to the Court.

(B) If the entire amount is deposited within the stipulated time as

stated hereinabove, the Respondents Claimants are entitled to withdraw 20% amount without furnishing any security, but subject to the outcome of the First Appeal.

- (C) The Registry is directed to transfer Rs.25,000/- along with interest, if any, deposited by the Appellant at the time of filing of the First Appeal to the Motor Accident Claimants Tribunal, Islampur, Dist. Sangli in the account of Motor Accident Claims Petition No. 09 of 2012 immediately.
 - (D) The Tribunal is directed to invest the remaining awarded amount in the fixed deposit of any nationalized bank initially for a period of one year and same to be continued till further orders.
 - (E) Liberty granted to the Claimant, if he so desire, to prefer appropriate application for withdrawal of further amount, that application be decided on its own merits.
- Civil application stands disposed of accordingly.

[K.K. TATED, J.]