

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.907 OF 2019
IN
FIRST APPEAL (ST) NO.4456 OF 2019**

Reliance General Insurance Co. Ltd.

.. Applicant

Versus

Mast. Yash Tejaram Choudhary (Minor)

Thr. His Natural Guardian father

Mr. Tejaram Choudhary

.. Respondent

Mrs. D. Shalini Shankar for applicant.

CORAM : K.K. TATED, J.

DATE : 11 MARCH 2019.

P.C:-

1. Heard learned Counsel for applicant.

2. By this civil application, applicant is seeking stay of the operation and implementation of judgment and order dated 16.02.2018 passed by learned Motor Accident Claim Tribunal, Mumbai in Motor Accident Claim Petition No.2207 of 2016 directing applicant to pay a sum of Rs. 25,000/- with interest to the respondent/original claimant.

3. The learned Counsel for the applicant submits that she received instructions from her client that they are ready and willing to deposit the entire amount in trial Court within two

weeks from today. Statement is accepted.

4. As this order is passed without giving notice to the respondent/original claimant, I am of the opinion that in the interest of justice, respondent/original claimant may be permitted to withdraw the said amount by furnishing personal bond in the trial Court.

5. Considering the submissions made by learned Counsel for the applicant, averments made in civil application, I am satisfied that the applicant has made out case for allowing this civil application. Hence, following order :-

a) Operation and implementation of the impugned order dated 16.02.2018 passed by Motor Accident Claim Tribunal, Mumbai below Exhibit-2 in Motor Accident Claim Petition No.2207 of 2016 is stayed on condition that the applicant to deposit the entire amount with interest on or before 26.03.2019 before the tribunal at Mumbai failing which civil application shall stand dismissed without reference to the Court.

b) If amount is deposited within stipulated time as stated above, respondent/original claimant is permitted to withdraw the said amount by furnishing personal bond before the trial Court on or before 30.04.2019.

c) If amount is not withdrawn within stipulated time as stated above, trial Court is directed to invest the said amount in the Fixed Deposit of any nationalize bank for a period of one year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.)