

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

CIVIL APPLICATION NO. 1220 OF 2017

IN

FIRST APPEAL ST. NO. 7074 OF 2017

Reliance General Insurance Co. Ltd.

...Applicant

Versus

Mr. Ganesh Jadhav & Anr.

...Respondents

.....

Ms. Aditi Sharma a/w Deepika Prabhala i/by Res Juris, Advocate for Applicant.

Mr. Prashant S. Hagare, Advocate for Respondent no. 1.

Ms. Savita A. Prabhune Advocate for Respondent no. 2.

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CORAM : K.K.TATED, J.

DATED : AUGUST 29th, 2019

P.C.

1 Heard learned counsel for the parties.

2. By this Civil Application, Applicant - Insurance Company is seeking stay of operation and implementation of impugned Judgment and Award dated 05th July, 2016 passed by Motor Accident Claims Tribunal Baramati, in Motor Accident Claim Petition No. 237 of 2009 holding that the Respondents/Claimants are entitled to compensation of Rs. 23,95,000/- with interest at the rate of 9% p.a. from the date of application under Section 166 of the Motor Vehicles Act till realization on the entire amount.

3. Learned counsel Ms. Aditi Sharma for the Applicant submits that, they already deposited entire amount in the Tribunal. Statement is accepted. Learned counsel for the Applicant 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 the impugned Judgment and Award passed by the Tribunal.

4. Learned counsel for the Applicant submits that, if entire amount is recovered by the Respondents /Claimants in Execution Application, then nothing will survive in this present proceeding. She submits that, they have a good chance of success in the present matter, because on the date of accident the Respondent was not holding the valid driving licence.

5. Considering the submissions made by learned counsel for the Applicant and as the entire amount is deposited by the Applicant in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

Hence, the following order is passed:

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

“(b) Pending hearing and final disposal of the appeal the execution, implementation and operation of judgment and award dated 05.07.2016 passed by the Chairman Motor Accident Claims Tribunal, Baramati, Pune, in MACP No. 237 of 2009 may kindly be stayed.”

b) The Tribunal is directed to invest the entire amount in fixed deposit of any nationalized bank for one year and same to be continued till further orders.

c) Civil Application No. 106 of 2019 filed by Respondents/ claimants to be heard its own merits.

(K.K.TATED, J.)