

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2893 OF 2019
IN
FIRST APPEAL NO. 1128 OF 2019

Reliance General Insurance Co. Ltd. .. Applicant
Vs.
Shri Prasad Prakash Daundkar and anr. .. Respondents

Ms. Shalini Shankar, for the Applicant.
Mr. Siddharth Idnani I/b Mr. Avinash Gokhale, for the
Respondent No.1.

CORAM : K.K. TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

Not on board. Pursuant to the praecipe dated 19/08/2019 filed by the learned Counsel for the applicant, matter is shown in the Production Board.

2. Learned Counsel for the applicant submits that the respondents – original claimants filed an application for recovery of entire award amount as per judgment and award

dated 05/12/2018 passed by Motor Accident Claims Tribunal, Pune in Motor Accident Claims Petition No. 888 of 2013. She submits that the Execution Court issued the attachment order. Hence, there is urgency.

3. Learned Counsel for the applicant submits that if the entire amount is recovered by the respondents- original claimants then nothing will survive in the present proceedings. She submits that they have good chance of success in the present proceedings. Learned Counsel for the applicant submits that she has received instructions from her client that they are ready and willing to deposit the entire award amount with interest in the Tribunal within 4 weeks from today. Statement is accepted.

4. Considering the submissions made by the learned Counsel for the applicant and averments made in the Civil Application and as the applicant is ready and willing to deposit entire award amount with interest in the Tribunal on or before 21/09/2019, I am satisfied that the applicant has made out a

case for the following order.

ORDER

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

“Pending the hearing and final disposal of the present First Appeal, this Hon'ble Court be please to stay the effect, implementation and or execution of the impugned judgment and order dated 05/12/2018 passed by the Hon'ble Court of Member, in Motor Accident Claim Petition No. 888 of 2013.

on condition that the applicant to deposit the entire award amount with interest in Tribunal on or before 21/09/2019, failing which Civil Application shall stand dismissed without further reference to the Court. If the amount is deposited within the stipulated time, liberty to the respondents to make an application for withdrawal.

5. Civil Application is disposed of.

(K.K.TATED, J.)