

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

**CIVIL APPLICATION NO. 3811 OF 2015
IN
FIRST APPEAL NO. 1210 OF 2015**

The Manager, The New India Assurance Co. Ltd. ... Applicants

V/s.

Smt. Shradha Shekhar Rege & Ors. ... Respondents

Mr. D.R. Mahadik, Advocate for the Applicant.

Mr. T.J. Mendon, Advocate for Respondent Nos. 1 to 4.

CORAM : K. K. TATED, J.

DATED : 11th OCTOBER, 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 01/01/2015 passed by Motor Accident Claims Tribunal, Mangaon-Raigad in Motor Accident Claim Application No. 118 of 2010 holding that the respondents/claimants are entitled sum of Rs. 49,28,616/- by way of compensation with interest @ 7.5 % p.a.
3. The Learned Counsel for the Applicant submits that, they have already deposited the entire awarded amount in Tribunal. Statement is accepted. He 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 He submits that, if entire amount is withdrawn by the claimant then nothing will survive in the present proceeding.

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

ORDER

A) Civil Application allowed in terms of Prayer Clause ‘a’ which reads thus :

“That pending the hearing and final disposal of the appeal, the operation of the Judgment and Award dated 01-01-2015 passed by Hon’ble P.R. BHARAD, District Judge-I and Ex-Officio Member, Motor Accident Claims Tribunal, Mangaon-Raigad in M.A.C.T. Application No. 118 of 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 next date.

C) Liberty is granted to the claimants if they so desire to prefer appropriate application to withdraw the amount.

D) Civil Application stands disposed of accordingly.

E) No order as to costs.

(K.K.TATED, J.)