

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3591 OF 2018
IN
FIRST APPEAL (ST) NO.12672 OF 2018

The New India Assurance Co. Ltd. .. Applicant
Versus
Shri. Arjun Balwant Shikhare and Ors. .. Respondents
Mr. H.G. Misar for applicant.

CORAM: K.K. TATED, J.

DATED : MARCH 14, 2019.

P.C. :

1 Heard learned Counsel for applicant.

2. By this civil application, applicant is seeking stay of the operation and implementation of the judgment and award dated 15.12.2017 passed by Motor Accident Claim Tribunal, Kolhapur in Motor Accident Claim Petition No. 422 of 2012 awarding a sum of Rs1,50,000/- by way of compensation along with interest at the rate of 6% per annum to the respondent/original claimant.

3. The learned Counsel for the applicant submits that the tribunal erred in coming to the conclusion that the Insurance Company to pay the compensation. He submits that applicant

have good chance of success in the present proceedings. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned award till the hearing and final disposal of the First Appeal. He submits that if stay is not granted irreparable loss will cause to them.

4. Considering the submissions made by learned Counsel for the applicant, averments made in Civil Application and as this is a money decree, I am of the opinion that the applicant have to deposit the entire awarded amount in the tribunal within stipulated time for stay of the operation and implementation of the impugned judgment and award. Hence, following order :-

a) Operation and implementation of the judgment and award dated 15.12.2017 passed by Motor Accident Claim Tribunal, Kolhapur in Motor Accident Claim Petition No. 422 of 2012 is stayed, on condition that, applicant to deposit the entire awarded amount along with interest in tribunal on or before 30.04.2019, failing which Civil Application shall stand dismissed without reference to the Court.

- b) If amount is deposited within stipulated time, as stated above, the respondent/original claimant is entitled to withdraw Rs.35,000/- with accrued interest without furnishing any security but on personal bond.
- c) The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be continued till further orders.
- d) Liberty granted to the respondent/ original claimants to prefer an appropriate Application for withdrawal of further amount, if they so desire, which will be decided on its own merits
- e) Civil Application stands disposed of accordingly.
- f) No order as to costs.

(K. K. TATED, J.)