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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3039 OF 2019 IN
FIRST APPEAL ST.NO.14412 OF 2019

Bajaj Allianz General
Insurance Co.Ltd. ...Applicant
vs
Mr.Karan Pratap Maniar
Mr.Ajay Gulati ...Respondents

Mr.D.S.Joshi for the Applicant
Mr.Saumen S. Vidyarthi for the Respondent No.1

CORAM :K.K.TATED,J.
DATE : AUGUST 27, 2019

P.C.:

. Not on Board. Taken on board.

1 Heard the learned counsel for the parties. By this application the applicant is seeking stay to operation and implementation of the Judgment and Award dated 26th November 2018 passed by MACT, Mumbai in Claim Application No.3828 of 2006 holding that the respondents-original claimants are entitled to compensation of Rs.20 lakh with interest @ 7.5% p.a.

2 The learned counsel for the applicant submits that the original claimants have filed execution application for recovery of the entire amount. Hence, there is urgency.

3 The learned counsel for the applicant submits that they have good chance success. If the entire amount is recovered by the respondents-claimants in execution application, nothing will survive in the present proceedings. They are ready to deposit entire amount with the Tribunal within four weeks from today. Statement is accepted.

4 The learned counsel for the respondent No.1 vehemently opposed the Civil Application and stated that the Tribunal has awarded the compensation after considering the evidence on record.

5 Considering the submissions made by the learned counsel for the applicant and the averments, I satisfied that a case is made out for allowing the application but they have to deposit the entire amount of compensation.

6 Hence, I pass the following order :

a) Civil Application is allowed in terms of prayer clause (a) on condition that the applicant to deposit the entire amount of compensation with interest with Tribunal on or before 27th September 2019 failing which the Civil Application shall stand dismissed. Prayer clause (a) reads thus:

“(a)Pending the hearing and final disposal of the appeal this Hon'ble Court, by an order of stay, may

kindly stay the operation, implementation and execution of the part of the impugned Judgment and Award dated 26.11.2018 passed by the Motor Accident Claims Tribunal Mumbai in M.A.C.P. No.3828 of 2006."

b) If amount is deposited within stipulated time, the Tribunal is directed to invest the amount in fixed deposit in any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED,J.)