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

**CIVIL APPLICATION NO. 469 OF 2018
IN
FIRST APPEAL NO. 180 OF 2018**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rahul Mehta I/b KMC Legal Venture for the Appellant.
None for the Respondents.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Not on board. At the request of learned Counsel for the Applicant, taken on production board.
2. Heard learned Counsel for the Applicant.
3. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the impugned Judgment and Award dated 23.02.2017 passed by Motor Accident Claim Tribunal, Alibag in Motor Accident Claim Petition No. 516 of 2011 holding that the Respondents-Claimants are entitled sum of Rs.19,96,600/- by way of compensation with interest @ 7.5% p.a. from the date of application till its realisation.
4. Learned Counsel for the Applicant submits that they received

execution notice from the Execution Court and next date is 15.04.2019. Hence, there is urgency in the present matter.

5. Learned Counsel for the Applicant submits that he received instruction from his client that they are ready and willing to deposit the entire amount awarded along with interest and costs, if any, in the Tribunal within four weeks from today. Statement is accepted.

6. Considering the submission made by learned Counsel for the Applicant, averments in the Civil Application and as the Applicant is ready and willing to deposit the entire amount awarded in the Tribunal within four weeks, I am satisfied that the Applicant has made out case for following order:

(i) Civil Application is allowed in terms of prayer Clause (a) on condition that, the Applicant to deposit the entire amount awarded in the Tribunal on or before 02.05.2019, failing which the Civil Application shall stand dismissed without referring back to this Court. Prayer Clause (a) reads thus:

“(a) That this Hon'ble Court be pleased to stay the Effect/Execution/Operation and Implementation of the Judgment and Award dated 23.02.2017 passed in M.A.C.T. Application No. 516 of 2011 by K. R. PETHKAR, EX-OFFICIO MEMBER, M.A.C.T., ALIBAG, DISTRICT : RAIGAD.”

(ii) Sum of Rs.25,000/- deposited by the Insurance Company at the time of filing of the First Appeal, in the Registry of this Court, be transferred to the Motor Accident Claim Tribunal,

Mumbai in the account of MACP No. 516 of 2011 with accrued interest immediately.

(iii) If the amount is deposited within stipulated time as above, original Claimant No.1-Smt. Pravinaben Sureshchandra Vyas, Claimant No.2-Manish Sureshchandra Vyas and Claimant No.3-Milan Sureshchandra Vyas are entitled to withdraw sum of 20% amount each without furnishing any security, but subject to outcome of the First Appeal.

(iv) The Tribunal is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.

(v) Liberty granted to the Respondents-original Claimants, if they so desire, to prefer an appropriate application for withdrawal of remaining amount, which will be decided on its own merits.

(vi) The Civil Application stands disposed of accordingly.

[K. K. TATED, J.]