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

**CIVIL APPLICATION NO. 3967 OF 2017
IN
FIRST APPEAL (STAMP) NO. 17849 OF 2017**

The New India Assurance Co. Ltd. .. Applicant
Vs.
Mr. Hanuman Pousaiya Sambhari & Ors. .. Respondents

Mr. S. M. Dange for the Applicant.
Ms. Ayodhya Patki I/b N. V. Bhutkar for Respondent Nos.1 to 4.

CORAM : K. K. TATED, J.
DATE : 20th MARCH, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. By this Application, Applicant-Insurance Company is seeking stay of the operation and implementation of impugned Judgment and Award dated 01.10.2016 passed by the Motor Accident Claim Tribunal, Mumbai in Motor Accident Claim Petition No. 3140 of 2010.
3. Learned Counsel for the Applicant submits that they have already deposited the entire awarded amount along with interest with Tribunal. Statement is accepted. He submits that, in the interest of justice, this Hon'ble Court may please be allowed the present Civil Application.
4. Considering the submission made by learned Counsel for the Applicant and averments in the Civil Application, I am satisfied that the impugned Judgment and Award is required to be stayed in respect of amount challenged by the Insurance Company in the present First Appeal.

Hence, following order:

- (i) Operation and implementation of the impugned Judgment and Award dated 01.10.2016 passed by the Motor Accident Claim Tribunal, Mumbai in Motor Accident Claim Petition No. 3140 of 2010 is stayed only to the extent of Rs.5,58,000/- with interest.
- (ii) The Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.
- (iii) Respondents/Original Claimants are entitled to withdraw unchallenged compensation with interest without furnishing any security.
- (iv) The Civil Application stands disposed of accordingly.

[K. K. TATED, J.]