

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.4295 OF 2018
in
FIRST APPEAL NO.1260 OF 2018**

Reliance General Insu. Co.Ltd Applicant
vs
Darshana Dashrath Pawar & ors .. Respondents

Mr.Nikhil Mehta for Applicant

***CORAM : K.K.TATED,, J
DATE : 25th MARCH, 2019***

P.C

At the request of the learned advocate for the applicant,
matter is taken on production Board.

2. Heard learned counsel for the applicant.

3. Learned counsel for the applicant submits that the original claimants filed execution application in the trial court. He submits that the trial Court issued attachment warrant in the present matter.

4. By this application, learned counsel for the applicant is seeking stay of the operation and implementation of the judgment and order dated 7.4.2018 passed by the MACT Mangaon at Raigad in

MAC Application No.139 of 2012. He submits that the trial Court has awarded Rs.16,82,800/- with 7.5% p.a. by way of compensation. He submits that there is breach of the terms and conditions of the insurance policy. He submits that if the entire amount is recovered by the respondents/original claimants in the execution application then, nothing will survive in the present First Appeal.

5. Learned counsel for the applicant submits that he has received instructions from his clients that they are willing and ready to deposit the entire amount in the tribunal within four weeks from today. Statement is accepted.

6. Considering the submissions made by the learned counsel for the applicant, I am satisfied that the applicant has made out a case for allowing the Civil Application. At the same time respondents/original claimants are entitled to withdraw some of the amount during the pendency of the present first appeal. Hence, the following order :

ORDER

(A) The operation and implementation of the impugned judgment and award dated 7.4.2018 passed by the MACT Mangaon District Raigad in MAC Application No. 139 of 2012 is stayed till further orders on the condition that, the applicant to deposit the entire awarded amount in the tribunal on or before 20.4.2019 failing

which the civil application shall stand dismissed without reference to the Court.

(B) If the entire amount is deposited, the respondents/claimants are entitled to withdraw the amounts as follows without furnishing any security:

- (a) Claimant no.1-Darshana Dashrath Pawar: Rs.3,00,000/-
- (b) Claimant no.4: Sakharam Nathu Pawar:Rs.50,000/-
- (c) Claimant no.5: Sulochana Sakharam Pawar : Rs.50,000/-.

(C) The tribunal is directed to invest the remaining amount in fixed deposit of any nationalised bank initially for one year and same to be continued till further orders.

(D) Liberty is granted to the respondents/claimants to prefer application if they so desire, for withdrawal of further amounts and which will be decided on its own merits.

(E) Civil Application disposed of accordingly.

{K.K.TATED, J}