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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 4533 OF 2018****IN****FIRST APPEAL (ST) NO. 17869 OF 2018**

National Insurance Co. Ltd.

.....Applicant

V/s.

Smt. Sohalidevi Santosh Singh and others

.....Respondents

Mr. Amol Gatne for the applicant

CORAM : K. K. TATED, J.**DATE : APRIL 11, 2019.****P.C.**

Not on board. At the request of the learned counsel for the applicant, matter is taken on production board.

2 Heard the learned counsel for the applicant.

3 By this Civil Application, applicant is seeking stay of operation and implementation of the Judgment and Award dated 19/06/2017

passed by Motor Accident Claims Tribunal at Alibag, Dist. Raigad in M.A.C. Petition No. 187 of 2010 holding that respondents are entitled to sum of Rs. 11,11,904/- by way of compensation alongwith 9% interest.

4 The learned counsel for the applicant submits that by this First Appeal they are challenging sum of Rs. 5,37,904/- with accrued interest. To that effect, he has relied on ground no. 9 on page 4. The learned counsel for the applicant submits that they are ready and willing to deposit entire awarded amount in Tribunal on or before 04/05/2019. He submits that this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award.

5 Considering the submissions made by the learned counsel for the applicant and as the applicant is ready to deposit entire awarded amount in Tribunal, I am satisfied that applicant has made out a case for following order:

(I) Operation and implementation of the Judgment and Award dated 19/06/2017 passed by Motor Accident Claims Tribunal at Alibag, Dist. Raigad in M.A.C. Petition No. 187 of 2010 is stayed to the extent of Rs. 5,37,904/- with accrued interest, if any, till hearing and final disposal of the First Appeal on condition that applicant to deposit entire awarded amount with accrued interest in the tribunal on or before 04/05/2019, failing which, civil application shall stand dismissed without referring back to the Court.

(II) If entire amount is deposited within stipulated period as stated herein above, respondent no. 1-Sohalidevi Santosh Singh is entitled to withdraw sum of Rs. 4,00,000/- with accrued interest without furnishing any security.

(III) Tribunal is directed to invest the remaining amount in fixed deposit in any nationalized bank, initially for the period of one year and same to be continued till further orders.

(IV) Liberty granted to respondent, if they desire, to prefer

appropriate application for withdrawal of the further amount and that application may be decided on its own merits.

(V) Civil Application stands disposed of accordingly.

(VI) No order as to costs.

[K. K. TATED, J.]