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

**CIVIL APPLICATION NO. 451 OF 2018  
IN  
FIRST APPEAL NO. 175 OF 2018**

IFFCO TOKIO General Insurance Co. Ltd. .. Applicant  
Vs.  
Shri Abdul Rasid Abdul Barik Ansari & Anr. .. Respondents

Mr. V. V. Parshurami for the Applicant.  
Mr. T. J. Mendon for Respondent No.1.

**CORAM : K. K. TATED, J.**  
**DATE : 20<sup>th</sup> 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 11.04.2017 passed by the Motor Accident Claim Tribunal, Mumbai in Application No. 1 of 2012.
3. Learned Counsel for the Applicant submits that they have already deposited the entire awarded amount along with interest with Tribunal on 13.11.2018. Statement is accepted. He submits that, in the interest of justice, this Hon'ble Court may please be stayed the operation and implementation of impugned Judgment and Award. He submits that if the entire amount is withdrawn by the Respondents-Claimants, then nothing will survive in the First Appeal.
4. Considering the submission made by learned Counsel for the

Applicant, averments in the Civil Application and as the entire amount is deposited in the Tribunal on 13.11.2018, I am satisfied that the Applicant has made out case for allowing the Civil Application. Hence, following order:

(i) Civil Application is allowed in terms of prayer Clause (a) which reads thus:

(a) During the pendency and final disposal of the accompanying First Appeal, the operation, implementation and execution of the order dated 11.04.2017 passed by the learned Judge, Motor Accident Claims Tribunal, Mumbai in Application No. 1 of 2012;

(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) Liberty granted to Respondent No.1-original Claimant, if she so desire, to prefer appropriate application for withdrawal of amount which will be decided on its own merit.

(iv) Registry is directed to transfer sum of Rs.25,000/- along with interest, if any, deposited by the Applicant at the time of filing of First Appeal to the Motor Accident Claim Tribunal, Mumbai in the account of Motor Accident Claim Petition No. 1 of 2012.

(v) The Civil Application stands disposed of accordingly.

**[K. K. TATED, J.]**