

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

**CIVIL APPLICATION NO. 3155 OF 2015
IN
FIRST APPEAL NO. 21867 OF 2015**

The New India Assurance Co. Ltd.

..... Applicant.

Vs.

Hirabai Ashok Bhoir & Anr.

..... Respondents.

D. S. Joshi for the Applicant.

.....

Pratap Patil for Respondent No. 1.

.....

**CORAM : K.K.TATED, J.
DATED : SEPTEMBER 17, 2019**

P.C.

- 1 Heard Learned Counsel for the parties.
2. Though the Respondents are duly served no one appeared on behalf of them when the matter is called out.
3. By this Civil Application, the Applicant Insurance Company is seeking stay of operation and implementation of the Judgment and award dated 9th September, 2014 passed by the Motor Accident Claims Tribunal, Alibag, Raigad in Motor Accident Claim Petition No. 532 of 2009 holding that the Respondents/Original Claimants are entitled to sum of Rs. 11,20,000/- by way of compensation with interest @ 7.5% p.a.
4. The Learned Counsel for the Applicant submits that, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the

operation and implementation of the impugned Judgment and award passed by the Tribunal. He submits that if the entire awarded amount is withdrawn by the Respondent/Original Claimant then nothing will survive in the First Appeal.

5. Considering the submission made by the learned counsel for the Applicant and the averments made in Civil Application and as the Applicant deposited the entire awarded amount in Tribunal, I am satisfied that the Applicant has made out a case for the following order:

a. Civil Application is allowed in terms of prayer clause (a) which reads thus:

“a. Pending the hearing and final disposal of the appeal, this Hon'ble Court by order of stay, may kindly stay the operation, implementation and execution of the part of the impugned Judgment and award dated 09/09/2014 passed by the Motor Accident Claims Tribunal Alibag in M.A.C.P. No. 532 of 2009 with interest thereon.”

b. The Tribunal is directed to invest the entire amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. Liberty granted to the Respondents/Original claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)