

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

**CIVIL APPLICATION NO. 2363 OF 2017
IN
FIRST APPEAL (ST) NO. 23117 OF 2017**

The New India Assurance Co.Ltd. Applicant/Appellant

Versus

Ganesh Gangaram Bomble & others ... Respondents.

Ms. Aarati Taware i/b. M.V. More for the Applicant

Mr. Rohit Gangawan for Repondent Nos.1 & 2

CORAM : K. K. TATED, J.

DATE : 18th SEPTEMBER, 2019

P.C.

Heard learned counsels for the parties.

2. By this Civil Application, the applicant Insurance Company is seeking stay to the operation and implementation of the judgment and award dated 4th February, 2017 passed by Motor Accident Claims Tribunal Pune in Motor Accident Claim Petition No.343 OF 2014.

3. Advocate for the applicant submits that as per order dated 16.08.2017 passed by this Court, the applicant /appellant

already deposited entire awarded amount in Tribunal. She submits that pending 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. She submits that if entire amount is withdrawn by the respondent/claimant, then nothing will survive in the present First Appeal.

4. On the other hand, Advocate appearing on behalf of the respondent/original claimant submits that they preferred Civil Application (Stamp) No.5047 of 2018 for withdrawal of the amount.

5. Considering the submission made by the learned counsel for the applicant and averments made in Civil Application, I satisfied that applicant has made out a case for allowing this Civil Application. Hence, the following order -

- (i) Civil Application is allowed in terms of prayer clause (a), which reads thus -

“(a) To stay the execution of the judgment and award dated 4th February, 2017 passed by the

Learned Chairman, Motor Accident Claim Tribunal at Pune in Motor Accident Claim Petition No.343 of 2014.”

- (ii) The Tribunal is directed to invest the entire awarded amount in a Fixed Deposit account of any Nationalized Bank, initially for a period of one year and same to be continued till further order.
- (iv) Civil Application (Stamp) No.5047 of 2018 preferred by the claimant to be heard on its own merits.
- (v) Civil Application stand disposed of accordingly.
- (vi) No order as to costs.

[K. K. TATED, J.]