

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 4215 OF 2011
IN
FIRST APPEAL NO. 57 OF 2017

The National Insurance Company Limited .. Applicant
Vs.
Smt.Manisha Pandurang Jadhav and ors. .. Respondents

Ms.Shalini Shankar, for Applicant.

CORAM : K.K.TATED, J.

DATE : 20th AUGUST, 2019

P.C. :

. Heard learned Counsel appearing for the applicant.

2. By this Civil Application, applicant - Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 31/03/2011 passed by Motor Accident Claims Tribunal, Mangaon in Motor Accident Claims Petition No. 262 of 2008 holding that the respondents – original claimants are entitled a sum of Rs.9,74,440/- by way of

compensation with interest @ 7.5% p.a. from the date of application till its realization.

3. Considering the submissions made by the learned Counsel for the applicant and averments made in the Civil Application, I am satisfied that applicant has made out a case for allowing Civil Application. Apart from that, learned Counsel for the applicant made a statement across the bar that they have already deposited entire awarded amount in Tribunal. Hence, the following order.

ORDER

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

“That pending the hearing final disposal of the Appeal, the operation of the Judgment and Order dated 31st March 2011 of MACT Mangaon by the Hon'ble Judge Vilas S.Patil in MACT No. 262 of 2008 be stayed.”

(ii) Liberty is granted to the respondents - original claimants, if they so desire, to prefer an application for withdrawal of the amount and that application to be decided on its own merits.

4. Civil Application stands disposed of. No order as to costs.

(K.K.TATED, J.)