

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 766 OF 2016
IN
FIRST APPEAL NO. 436 OF 2019

ICICI Lombard General Insurance Co.Ltd. Applicant.

Vs.

Gangadhar D. Borse & Ors. Respondents

Ms. Pooja Sing with Deepika Prabhala i/b Res Juris for Applicant.
Mr. Pritesh Bohade for Respondent No. 1.
Mr. Devendranath S. Joshi for Respondent No. 4

CORAM : K.K.TATED, J.
DATED : JUNE 20, 2019

P.C.

- 1 Heard learned counsel for the parties.
2. By this Civil Application, the Appellant insurance company is seeking stay to the implementation of judgment and award dated 9th February, 2019 passed by the Motor Accident Claims Tribunal, Nashik in Motor Accident Claim Petition No. 1365 of 2011.
3. The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in tribunal with interest. The statement is accepted.

4. The Advocate for the Applicant submits that pending the hearing and final disposal of the First Appeal, operation and implementation of impugned judgment and award dated 9th February, 2015 passed by the Tribunal be stayed. He submits that if the entire amount is withdrawn by the Respondent/Claimant then nothing will survive in the present proceeding.

5. Considering the submission made by the learned counsel for the Applicant, I am satisfied that the Appellant has made out the case for allowing the Civil Application.

6. Hence, the following order:

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

“a. Pending hearing and final disposal of the first appeal the execution, implementation and operation of the judgment and award dated 09/02/2015 passed by the Learned Meber, Motor Accident Claims Tribunal, Nashik, in MACP 1365/2011 may kindly be stayed.”

b. 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 the same shall be renewed from time to time till further orders.

- c. Liberty granted to the 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.

(K.K.TATED, J.)