

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1456 OF 2017
IN
FIRST APPEAL 534 OF 2017

New India Assurance Co.Ltd.

..... Applicant.

Vs.

Shaila Sunil Jadhav & Ors

..... Respondents

Ms. Poonam Mittal for the Applicant.

Mr. Yuvraj P. Narvankar for the Respondents.

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

P.C.

- 1 Heard learned counsel for the parties.
2. By this Civil Application, Applicant insurance company is seeking stay of the operation and implementation of the judgment and award dated 30th April, 2016 passed by the Motor Accident Claims Tribunal, Karad in Motor Accident Claim Petition No. 152 of 2011 holding that the Respondents/Claimants are entitled to sum of Rs. 4,84,700/- by way of compensation with interest @ 8% p.a.
3. The learned counsel for the Applicant submits that they have already deposited the entire awarded amount with interest in Tribunal. He submits that if the entire amount is withdrawn by the Claimants, nothing will survive in the present Civil Application. He submits that

pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned judgment and award be stayed.

4. Considering the submission made by the learned counsel for the Applicant and the averments in Civil Application, I am satisfied that the Applicant has made out case for allowing Civil Application.

5. Hence, the following order :

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

a. Pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned judgment and award dated 30/04/2016 by the Motor Accident Claims Tribunal in Motor Accident Claim Petition No. 152 of 2011 be stayed.

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

c. The Civil Application Stamp No. 8853 of 2018 preferred by Claimants for withdrawal of the amount to be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

(K.K.TATED, J.)