

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

**CIVIL APPLICATION NO. 4841 OF 2013
IN
FIRST APPEAL NO. 1314 OF 2015**

Bajaj Allianz Insurance Co. Ltd. Applicant
V/s.
Appasaheb Bhau Waman & Ors. ... Respondents

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Mr. M.M. Sathaye with M.G. Bagkar for the Appellant.
Mr. Chetan G. Patil for Respondent Nos. 1 & 2.

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CORAM : K.K.Tated, J.
DATE : 30th September, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this Civil Application, applicant-Insurance Company seeking stay of operation and implementation of the impugned Judgment and Award dated 1st August 2013 passed by the Motor Accident Claims Tribunal, Pune in Motor Accident Claim Petition No. 951 of 2009.
3. The learned counsel for the applicant submit that, as per earlier order dated 20th December, 2013 passed by this Court, they already deposit entire amount. Statement is accepted.

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 impugned Judgment and Award.

5. Considering the submission made by the learned counsel for the applicant, averment made in Civil Application and the entire amount is deposited by the applicant, I satisfy that, the applicant has made out a case. Hence, following order is passed:

: ORDER :

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

“(a) That pending hearing and final disposal of the present First Appeal, the effect, operation, implementation and execution of the impugned Judgment and Award dated 1/8/13 passed by the Member, Motor Accident Claims Tribunal, Pune in Motor Accident Claims Petition No. 951 of 2009 and disbursal of amount there under, be kindly stayed;”

b) Tribunal is directed to invest entire amount in fixed deposit in any nationalized Bank initially for the period of one year and same to be continued till further order.

- c) Liberty is granted to the respondent/claimant, if they so desire to prefer an appropriate application for withdrawal of amount and that will be decided on its own merits.
- d) Civil Application is allowed accordingly.
- e) No order as to costs.

(K.K.Tated, J.)