

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 518 OF 2018
IN
FIRST APPEAL (ST) No. 34376 OF 2017

Reliance General Insurance Company
Limited through Its
Manager Legal.

Mr. Khanjan Joshi

...Applicant

Vs.

Smt. Sangeeta Hublal Patel & Ors.

...Respondents

Mr. Rahul Mehta i/b. KMC Legal Venture for the Applicant
Ms. Varsha Chavan for Respondent Nos. 1 to 5

CORAM: K.K. TATED, J.

DATED : JUNE 14, 2019

P.C. :

1. Heard learned counsel for the parties.
2. Office note shows that the civil application stands dismissed against Respondent Nos.1 to 5 as per order dated 24th August, 2018.
3. Learned counsel Ms. Varsha Chavan for the Respondents submits that she has already filed Vakalatnama on behalf of Respondent Nos. 1 to 5. She submits that she has no objection if the Learned Registrar's Order dated 24th August, 2018 is set aside and civil application is restored to file against respondent Nos. 1 to 5.
4. On the basis of the oral application made by learned counsel for the Applicant, the Learned Registrar's order dated 24th August, 2018 is

set aside and the civil application is restored to file against Respondent Nos. 1 to 5.

5. By this civil application, the Applicant -Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 16th May, 2017 passed by the Motor Accident Claim Tribunal , Mumbai in M.A.C. Application No. 542 of 2012.

6. Learned counsel for the Applicant submits that as per the order dated 7th February, 2018, passed by this Court [Mrs. Mridula Bhatkar, J. (as then she was)], the Applicant has deposited the entire amount in the tribunal. Statement is accepted. He submits that in the interest of justice, pending the hearing and final disposal of the First Appeal, this Court be pleased to stay the operation and implementation of the impugned judgment and award. He submits that they have good chance of success in the present proceedings. He submits that the Respondents/Original Claimants have also preferred civil application No. 1517 of 2018 for withdrawal of the amount.

7. Considering the submissions made by the learned counsel for the Applicant and the averments made in the application, I am satisfied that the Applicant has made out a case for allowing this civil application.

8. Hence, following order:

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

“a. That this Hon'ble Court be pleased to stay the

effect/execution/ operation and implementation of the Judgment and Award dated 16.05.2017 passed in M.A.C.T. Application No. 542 of 2012 by A.S. KAZI – Member, MACT MUMBAI @ MUMBAI.”

- (b) The Tribunal is directed to invest the entire awarded amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same to be continued till further orders.
- (c) Civil Application No. 1517 of 2019 preferred by the Respondents/Original Claimants be heard on its own merits.
- (d) Civil Application stands disposed of accordingly.
- (e) No order as to costs.

(K. K. TATED, J.)