

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

**CIVIL APPLICATION NO. 248 OF 2019
IN
FIRST APPEAL (STAMP) NO. 17284 OF 2018**

Bajaj Allianz General Insurance Co. Ltd.] Applicant

Versus

Alaknanda Shulmit Vaidya & Anr.] Respondents

Mr. Devendranath S. Joshi, Advocate for the Applicant.
None for the Respondents.

**CORAM : K.K. TATED &
SARANG V. KOTWAL, JJ.**

DATE : 08th JANUARY, 2020.

P.C.

. Heard learned counsel Mr. Devendranath S. Joshi for the Applicant.

2. Though the Respondents are duly served in Civil Application No.247/2019, no one appeared on behalf of them when the matter was called out.

3. By this Civil Application, the applicant is seeking stay of the operation and implementation of the impugned order dated

28/06/2017 passed by the Motor Accidents Claim Tribunal Pune in M.A.C.P. No.236/2016 directing the applicant to pay sum of Rs.25,000/- to the Respondents/Claimant as “No Fault Liability”.

4. Learned counsel for the applicant submits that as per earlier order dated 08/04/2019 passed by this Court, they deposited the entire awarded amount before the Tribunal. Statement is accepted.

5. Considering submissions made by learned counsel for the applicant, averments made in Civil Application and as the entire amount is deposited before the Tribunal, we satisfy that the applicant has made out a case. Hence, the following order.

ORDER

(A) Civil Application No.248/2019 is allowed in terms of prayer clause (a) which reads thus ;

a. Pending the hearing and final disposal of the appeal, this Honourable Court, by an order of stay, may kindly stay the operation, implementation and execution of the impugned NFL Order and Award dated 28/06/2017 passed by the Motor Accident Claims Tribunal Pune in M.A.C.P. No. 236 of 2016.

(B) The Tribunal is directed to invest the said amount in Fixed Deposit of any Nationalised Bank initially for a period of one year and the same to be continued till further order.

(C) Liberty is granted to the Respondents/Claimant if they so desire to prefer appropriate application for withdrawing the amount and that will be decided on its own merits.

(D) Civil Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(K.K. TATED, J.)