Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1897 OF 2020
IN
FIRST APPEAL (ST.) NO. 2756 OF 2020

ICICI Lombard General Insurance Co. Ltd. .. Applicant

Vs.

Trimbak Pramod alias Kashinath
Pardeshi & Ors. .. Respondents

.....

Ms. Deepika M. Prabhala for the applicant
None for the respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 2nd FEBRUARY, 2021

P.C.

1. A praecipe is moved by the applicant contending therein that an execution application has been filed before the M.A.C.T. Satara in M.A.C.P. No. 541 of 2011.

2. The warrant of attachment against the appellant has already been issued in the said proceedings.

3. The appellant, therefore, prays for staying the execution, implementation and operation of the execution proceedings by way of ad-interim relief.

4. On being asked, it is stated by the Counsel that the amount of

compensation has not yet been deposited. However, she undertakes to deposit the entire amount of compensation with accrued interest from the date of application, in M.A.C.T. within a period of four weeks. Statement is accepted.

5. In view of the statement made, there shall be ad-interim relief in terms of prayer clause (b) of the application.

6. If the applicant fails to deposit the entire amount within four weeks, ad-interim relief shall stand vacated without further reference to the Court.

7. The applicant shall intimate the factum of deposit of the amount to the claimants within one week of deposit.

8. The respondents – claimants are at liberty to withdraw 50% of the amount that would be deposited by the applicant before the concerned M.A.C.T upon furnishing an undertaking within two weeks that if the appellant succeeds in the appeal, the respondents- claimants shall return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

9. If respondents do not file an undertaking within the aforesaid period, the amount that would be deposited by the applicant shall be invested by the M.A.C.T in a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

10. If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

11. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)