

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.3346 OF 2020
IN
FIRST APPEAL (STAMP) NO.4948 OF 2020

United India Insurance Co. Ltd.] ...Applicant/Appellant

Versus

Mrs.Minakshi Pandharinath Sawant & Ors.] ... Respondents

Mr. Amol Gatne for Applicant/Appellant.
None for Respondents.

CORAM :- PRITHVIRAJ K. CHAVAN, J.
DATE :- 07 APRIL, 2021
(THROUGH VIDEO CONFERENCING)

P.C. :-

1. Heard Mr. Gatne, learned Counsel for the Applicant / Appellant. He seeks stay to the execution and implementation of the Judgment and Award dated 25/03/2019 passed by the Member, Motor Accident Claims Tribunal, Khed, Dist. Ratnagiri, in Motor Accident Claim Petition No.24 of 2015 by stating that if the Award is executed, the Appeal would become infructuous as well as to curtail further interest component.

2. Mr. Gatne, *inter alia*, makes a statement that the entire amount with accrued interest up-to-date would be deposited within 5 weeks. Statement is accepted. In view of the said statement, there shall be ad-interim relief in terms of prayer clause (A) of the Application which reads as under :-

“(A) Your Lordship be pleased to stay the execution, operation and implementation of the impugned Judgment and order/Award dt.25/3/2019, passed by the Member, M.A.C.T., KHED, Dist:-RATNAGIRI, in M.A.C.P. No.24/2015, U/Sec. 166 of the M.V. Act, 1988; till the final hearing and disposal of the First Appeal, as against the Applicant.”

3. If the Applicant fails to deposit the amount as above, the ad-interim relief shall stand vacated automatically without further reference to the Court.

4. After depositing the amount, the Applicant shall intimate the factum of deposit to the Claimants within one week thereafter.

5. The Claimants are at liberty to withdraw 50% of the amount of compensation with accrued interest by giving an undertaking at the time of withdrawal that if the Appeal succeeds, they will refund the amount, subject to the outcome of the Appeal.

6. Application stands disposed of accordingly.
7. Liberty to the Applicant to deposit the statutory deposit along with the amount of compensation.

(PRITHVIRAJ K. CHAVAN, J.)