Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3414 OF 2020
IN
FIRST APPEAL (ST.) NO. 5060 OF 2020
WITH
FIRST APPEAL (ST.) NO. 5060 OF 2020

United India Insurance Co. Ltd. .. Applicant
Vs.
Mrs. Parubai Mahipati Warang & Ors. .. Respondents

.....

Mr. Amol A. Gatne for the applicant
None for the respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 15th JANUARY, 2021

P.C.

1. This is an application seeking stay to the execution and implementation of the Judgment and Award dated 30th August, 2019 passed in M.A.C.P No. 445 of 2016.

2. Heard learned Counsel for the applicant.

3. Learned Counsel appearing for the applicant undertakes to deposit entire amount of compensation with interest in M.A.C.T, Kolhapur within four weeks from today. Undertaking is accepted.

4. In view of the undertaking rendered by the learned Counsel for the applicant, there shall be ad-interim relief in terms of prayer

clause (a) of the Interim Application, subject to deposit of the amount as above.

5. After depositing the amount, the applicant shall inform the respondents-claimants about the said factum within one week.

6. If the applicant fails to deposit the entire amount within four weeks, respondents-claimants are at liberty to execute the Award forthwith.

7. The respondents 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 one week that if the appellant succeeds in the appeal, the respondents will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

8. 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 the fixed deposit of a Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

10. The application stands disposed of.

11. List the appeal on 12th February, 2021.

(PRITHVIRAJ K. CHAVAN, J.)