Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 926 OF 2021
IN
FIRST APPEAL (ST.) NO. 619 OF 2021

Iffco Tokio General Insurance Co. Ltd. .. Applicant

Vs.
Sudarshana Pawar & Ors. .. Respondents

.....
Ms. Deepika Praabhala i/b Res Juris for the applicant
None for the respondent

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 9th APRIL, 2021
(Through Video Conferencing)

P.C.

1. The Iffco-Tokiyo General Insurance Company Ltd. is aggrieved with the judgment and award, dated 9th March, 2020 passed by the M.A.C.T., Baramati, Dist. Pune in M.A.C.P. No. 95 of 2015 and, therefore, has preferred this first appeal *inter alia* seeking stay to the execution.

2. Ms. Prabhala, learned Counsel for the applicant – insurer submits that the Executing Court at Pune has already issued a warrant of attachment of the movables of the company and, therefore, if that is not stayed, the whole purpose of filing the appeal would be frustrated. She however, undertakes to deposit the entire amount with accrued interest within six weeks from the date of passing of this order. Statement is accepted.

3. In view of the said statement, there shall be ad-interim relief in terms of prayer clause (b) of the application, which reads thus :-

> *"(b) Pending hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 09.03.2020 passed by the learned Member, Motor Accident Claims Tribunal, Pune in MACP No. 95 of 2015 may kindly be stayed."*

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

5. After depositing the amount, the applicant shall inform the respondents-claimants about the factum of deposit within two weeks.

6. 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 two weeks that if the appellant succeeds in the appeal, the respondents shall refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

7. 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.

8. 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.

9. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)