Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.386 OF 2021

IN

FIRST APPEAL NO.68 OF 2021

The New India Insurance Co. Ltd., Pune] Applicant

Vs.

Sunita Anil Pol (since deceased) through]
legal heirs;]
(1)Poornima Anil Pol and others.] Respondents

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Mr. Himanshu Takke i/b Mr. Milind More, for Applicant.

None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 24th FEBRUARY, 2021.

P.C.

1. This is an application for stay to the execution and implementation of the Judgment and Award passed by the learned Chairman, M.A.C.T., Pune in M.A.C.P No.1481 of 1998 on 28th January, 2020.

2. Heard Mr. Takke, learned Counsel for the applicant.

3. Learned Counsel submits that respondent No.4- Poornima Anil Pol is the only surviving claimant. She has filed execution

Shailaja S. Halkude Digitally signed by Shailaja S. Halkude Date: 2021.02.25 18:10:18 +0530 application before M.A.C.T, Pune. If execution is not stayed, it would cause prejudice to the applicant who has a good case on merits.

4. Learned Counsel, on instructions, makes a statement that the applicant will deposit entire amount of compensation with accrued interest before M.A.C.T within four weeks from today. Statement is accepted.

5. In view of the statement made by the learned Counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (a), subject to deposit of the amount as above.

6. After depositing the amount, the applicant shall inform respondent No.4-claimant about the factum of deposit within one week.

7. If the applicant fails to deposit the entire amount of compensation with accrued interest within four weeks, ad-interim relief shall stand vacated automatically, without further reference to the Court.

8. Respondent No.4-claimant is at liberty to withdraw 25% of the amount of compensation with accrued interest that would be deposited by the applicant before the concerned M.A.C.T upon furnishing an undertaking within one week that if the applicant succeeds in the appeal, she will 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 respondent No.4-claimant does 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.

10. If 25% amount is withdrawn by respondent No.4-claimant, 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.]