Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 622 OF 2021
IN
FIRST APPEAL (ST.) NO. 1973 OF 2021

New India Assurance Co. Ltd. .. Applicant

Vs.

Badruddin K. Choudhari and Anr. .. Respondents

.....

Mr. D.S. Joshi for the applicant
None for the respondent

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 24th MARCH, 2021

P.C.

1. Heard Mr. D.S. Joshi, learned Counsel for the applicant – insurer. It is informed that warrant of attachment in an execution proceedings, pursuant to the judgment and award dated 20th September, 2019 passed by the M.A.C.T., Thane in M.A.C.P. No. 749 of 2016, has been issued.

2. The learned Counsel undertakes to deposit the entire amount of compensation within a period of two weeks. Statement is accepted.

3. In view of that statement, there shall be ad-interim relief in terms of prayer clause (a) of the application, which reads as under :-

(a) Pending the hearing and final disposal of the appeal, this Hon'ble Court, by an order of stay, may kindly stay the operation, implementation and execution of the impugned Judgment and Award dated 20.09.2019 passed by the Motor Accident Claim Tribunal, Thane in M.A.C.P. No. 749 of 2016 along with interest thereon and proportionate costs."

4. If the applicant fails to deposit the entire amount within two 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 one week.

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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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