

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.315 OF 2021
IN
FIRST APPEAL [STAMP] NO.741 OF 2021**

Reliance General Insurance Company Ltd.] Applicant

Vs.

Sushil Sahebrao Gaikwad and another.] Respondents

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Mr. Suryajeet Chavan h/f Mr. Pandit Kasar, for Applicant.

None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th FEBRUARY, 2021.

P.C.

1. Learned Counsel for the applicant seeks stay to the execution, operation and implementation of the Judgment and Award dated 30th January, 2020 passed by learned Member, M.A.C.T., Pune in M.A.C.P No.593 of 2017 by contending that execution application has been filed by the respondents-claimants before M.A.C.T., Pune.

2. The learned Counsel, on instructions, makes a statement that the entire amount of Award with accrued interest will be deposited in M.A.C.T, Pune within four weeks from today. Statement is accepted.

3. In view of the statement made, there shall be ad-interim relief in terms of prayer clause (a).
4. It is made clear that if the amount as stated above, is not deposited within four weeks from today, ad-interim relief shall stand vacated, without further reference to the Court.
5. After depositing the amount under Award, the applicant shall inform the factum of deposit to respondent No.1-claimant within two weeks.
6. Learned Counsel for the applicant objects withdrawal of the amount of compensation by respondent No.1-claimant.
7. In the interest of justice, respondent No.1-claimant is permitted to withdraw 50% of the amount with accrued interest that would be deposited by the applicant-insurer before the concerned M.A.C.T upon furnishing an undertaking within two weeks that if the applicant-insurer succeeds in the appeal, he 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 respondent No.1-claimant does not file an undertaking within the aforesaid period, the amount that would be deposited by the applicant-insurer 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 If 50% amount is withdrawn by respondent No.1-claimant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.

[PRITHVIRAJ K. CHAVAN, J.]