Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.623 OF 2021

IN

FIRST APPEAL NO.110 OF 2021

The Oriental Insurance Company Ltd.] Applicant

Vs.

Anwar Sultan Ahmad and another] Respondents

.....

Mr.D.S. Joshi, for Applicant.

None for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 9TH MARCH, 2021.

P.C.

1. This is an application seeking stay to the operation, execution and implementation of the Judgment and Award dated 31st December, 2019 passed by the learned Member, M.A.C.T, Nashik in M.A.C.P No.950 of 2015.

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

3. Upon making a statement that entire amount of compensation with accrued interest would be deposited within four weeks in M.A.C.T, Nashik, there shall be ad-interim relief in terms of prayer clause (a).

4. Non compliance of the undertaking and statement made before the Court would result in vacating the ad-interim relief automatically, without further reference to the Court.

5. After depositing the amount, the applicant shall inform the respondent-claimant about the factum of deposit within one week.

6. 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.

7. The respondent-claimant is at liberty to withdraw 50% 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 at the time of withdrawing the amount that if the applicant succeeds in the appeal, he will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

8. If the respondent-claimant does not file an undertaking at the time of withdrawing the amount, the amount of compensation 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 an order from this Court.

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 If 50% amount is withdrawn by the respondent-claimant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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