Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2842 OF 2020

IN

FIRST APPEAL [STAMP] NO.4142 OF 2020

Reliance General Insurance Company Ltd.] Applicant

Vs.

Anahita Conrad Landers and others.] Respondents

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Ms. Kalpana Trivedi, for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 15th MARCH, 2021.

P.C:

1. This is an application seeking stay to the operation, execution and implementation of the Judgment and Award dated 16th September, 2019 passed by the learned Member, M.A.C.T., Thane in M.A.C.P No. 669 of 2016.

2. Heard Ms. Trivedi, learned Counsel for the applicant. She submits that the respondent-claimant has filed execution application, therefore, execution of the impugned judgment and Award be stayed.

3. Learned Counsel, on instructions, makes a statement that the entire amount of compensation with accrued interest has already been deposited before M.A.C.T, Thane in the last week. Statement is accepted.

4. 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).

5. The applicant shall inform respondent-claimant about the factum of deposit within one week from today.

6. Respondent-claimant is at liberty to withdraw 50% of the amount of compensation with accrued interest 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, they will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

7. If respondent-claimant does not file an undertaking at the time of withdrawing the amount, the amount 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.

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 If amount is withdrawn by the respondent-claimant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

9. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]