*Uday S. Jagtap*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2835 OF 2020**
**IN**
**FIRST APPEAL (ST. ) NO. 4126 OF 2020**

The New India Assurance Co. Ltd. .. Applicant
Vs.
Mrs. Archana Naresh Wagh & Ors. .. Respondents

.....

Ms. Deepika Prabhala i/b Res Juris for the applicant
Ms. Nazia Sheikh i/b Rohit S. Gangawane for respondent nos. 1 to 4

**CORAM : PRITHVIRAJ K. CHAVAN, J.**

**DATED : 16th FEBRUARY, 2021**

**P.C.**

1. A praecipe is moved by the applicant seeking stay to the execution of the impugned award passed by the learned Member, M.A.C.T. Khed-Rajgurunagar, Dist. Pune in M.A.C.P. No. 135 of 2017 by stating that the execution has been filed by the respondents.

2. The learned Counsel makes a statement that the entire amount of award with accrued interest will be deposited in M.A.C.T. within a period of four weeks. Statement is accepted.

3. In view of the statement made, there shall be ad-interim relief in terms of prayer clause (b) of the application.

4. After depositing the amount, the applicant shall inform the

respondents-claimants about the factum of deposit within one week.

5. If the applicant fails to deposit the entire amount within four weeks, ad-interim relief shall stand vacated without further reference to the Court.

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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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