Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1954 OF 2020

IN

FIRST APPEAL [STAMP] NO.2829 OF 2020

ICICI Lombard General Insurance	**]**	
Company Ltd.	**]**	**Applicant**
Vs.		
Ravindra Ramchandra Lahoti	**]**	
and others.	**]**	**Respondents**

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Ms. Deepika Prabhala a/w Rajesh Kanojia i/b Res Juris, for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 13th JANUARY, 2021.

(Through Video Conferencing)

P.C.

1. This is an application seeking stay to the execution and implementation of the Judgment and Award dated 7th March, 2019 passed by the Member, Motor Accident Claims Tribunal at Satara passed in M.A.C.P No.573 of 2011.

2. Heard learned Counsel for the applicant.

3. Learned Counsel appearing for the applicant undertakes to deposit entire amount of compensation with interest in M.A.C.T, Satara within four weeks from today. Undertaking is accepted. However, she contends that this is a case in which an issue of fake policy is involved and, therefore, the amount of compensation may be not be disbursed in favour of the respondents-claimants.

4. In my opinion, this aspect can be dealt with while hearing the appeal on merits.

5. In view of the undertaking rendered by the learned Counsel for the applicant, there shall be ad-interim relief in terms of prayer clause (b), subject to deposit of the amount as above.

6. After depositing the amount, the applicant shall inform the respondents-claimants about the said factum within one week.

7. If the applicant fails to deposit the entire amount within four weeks, the respondents-claimants are at liberty to execute the Award forthwith.

8. 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 one week that if the applicant succeeds in the appeal, the respondents will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

9. If the 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 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.

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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

11. The application stands disposed of.

12. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]