Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2048 OF 2020

IN

FIRST APPEAL [STAMP] NO.2941 OF 2020

Reliance General Insurance Company Limited] Applicant

Vs.

Jyoti Naresh Gauri and others.] Respondents

.....

Mr. Pandit Kasar, for Applicant.

None for Respondents.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 25th MARCH, 2021.

P.C.

1. This is an application seeking stay to the execution, implementation and operation of the Judgment and Award dated 18th September, 2019 passed by the learned Member, M.A.C.T., Mumbai in Claim Application No.1511 of 2013.

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

3. Mr. Kasar, learned Counsel for the applicant submits that execution has been filed. If the Award is executed, the appeal will become infructuous.

Shailaja S. Halkude

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4. Learned Counsel for the applicant, on instructions, undertakes to deposit entire amount of compensation with accrued interest in M.A.C.T, Mumbai within four weeks from today.

5. 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) which reads thus;

> "By order of this Hon'ble Court, the execution, operation and implementation of the order dated 17/09/2019 passed by the learned Motor Accident Claims Tribunal of Mumbai at Mumbai in Motor Accident Claim Application No.1511 of 2019, may kindly be stayed".

subject to deposit of the amount as above.

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

7. 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.

8. Respondents-claimants are 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 by major claimants within one week 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.

9. If respondents-major claimants 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 amount is withdrawn by respondents-claimants, 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.

[PRITHVIRAJ K. CHAVAN, J.]