Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1306 OF 2020

IN

FIRST APPEAL [STAMP] NO.1886 OF 2020

Reliance General Insurance Company Limited	**]**	**Applicant**
Vs.		
Meena Dilip Bagul and others.	**]**	**Respondents**

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Mr. Pandit Kasar, 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 8th November, 2019 passed by the learned Member, M.A.C.T Nashik in M.A.C.P No.467 of 2015.

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

3. Learned Counsel for the applicant submits that pursuant to judgment and award passed by the learned Member, M.A.C.T, Nashik, execution is filed by the respondents-claimants and, therefore, execution of the decree needs to be stayed. It is contended that the applicant has a good case on merits.

4. Learned Counsel, on instructions, makes a statement that the applicant will deposit entire amount of compensation with accrued interest before M.A.C.T within four weeks from today. Statement is accepted.

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), subject to deposit of the amount as above.

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

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. The 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 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.

9. If the respondents-claimants do not file an undertaking at the time of withdrawing the amount of compensation, 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-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.]