

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

**CIVIL APPLICATION NO. 1804 OF 2014
IN
FIRST APPEAL (STAMP) NO. 11213 OF 2014**

The Oriental Insurance Co. Ltd.	... Applicant
Vs.	
Shri. Sushobhan Babulal Rawal & Ors.	... Respondents

.....

None for the Applicant.

Mr. Yogeh G. Thorat i/b. Mr. D. D. Shinde for the Respondent No.1.

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CORAM: MADHAV J. JAMDAR, J.

DATE : 18th SEPTEMBER, 2021.

P. C. :-

1. None for the applicant.
2. Heard Mr. Yogesh Thorat i/b. Mr. D. D. Shinde, learned counsel for respondent No.1.
3. This Civil Application is taken out seeking stay to the execution of judgment and award dated 6th September, 2013 passed by the learned Additional Member, Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 754 of 2006. This Court by order dated 9th May, 2014 inter alia stayed the execution of the impugned award on the condition that applicant deposits entire decretal amount in the Tribunal within four weeks from 9th May, 2014.
4. The office note shows that the original opponent has

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deposited cheque of Rs.1,76,420/- on 3rd June, 2014 in the Tribunal. Although, respondent No.1 has appeared in the matter since 2014, no reply is filed to this Civil Application.

5. This Court by order dated 9th May, 2014 permitted respondent No.1 to withdraw sum of Rs.50,000/- without furnishing any security. The learned Advocate appearing for respondent No.1 has no instructions whether the said amount has been withdrawn by the respondent No.1. In the facts and circumstances of this case, following order is passed:-

ORDER

1. The Civil Application is allowed in terms of prayer clause (a).
2. The respondent No.1- Mr. Sushobhan Babulal Rawal is at liberty to withdraw 50% of the amount deposited by the applicant with accrued interest, if any which includes the amount of Rs.50,000/-which was allowed to be withdrawn by this Court by order dated 9th May, 2014 on filing an undertaking in this Court within a period of four weeks to the effect that in the event the appellant succeeds in First Appeal, the respondent No.1 will deposit the amount withdrawn in this Court with interest, as per further directions of this Court.
3. The respondent No.1 is at liberty to file Civil Application seeking withdrawal of the balance amount deposited by the applicant with accrued interest.
4. Civil Application is disposed of.

(MADHAV J. JAMDAR, J.)