Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3813 OF 2020

IN

FIRST APPEAL [STAMP] NO.93951 OF 2020

SBI General Insurance Co. Ltd.] Applicant

Vs.

Pulin Nitin Shah and another] Respondents

.....

Ms. D. Shalini Shankar, for Applicant.

Mr. T.J. Mendon, for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th JANUARY, 2021.

P.C.

1. This is an application seeking stay to the execution and implementation of the impugned judgment and order dated 13th December, 2019 passed by the Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P No.1974 of 2014.

2. It is contended by the learned Counsel for the applicant-insurer that the applicant has a good case on merits and, therefore, if execution of the impugned judgment is not stayed, the purpose of filing of the appeal would be frustrated.

3. The learned Counsel, therefore, makes a statement that the amount of compensation awarded by the Tribunal with accrued interest shall be deposited within four weeks from today. Statement is accepted.

4. In view of the undertaking tendered 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.

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

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

7. Respondent No.1 is 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-insurer succeeds in the appeal, respondent No.1 will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

8. If respondent No.1 does 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.

9. If 50% amount is withdrawn by respondent No.1, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

10. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]