Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.501 OF 2021

IN

FIRST APPEAL [STAMP] NO.95442 OF 2020

Shriram General Insurance Company Ltd.] Applicant

Vs.

Minor Renuka D/o Sharal Bhil and others.] Respondents

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Mr. Pandit Kasar, for Applicant.

None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 4th MARCH, 2021.

P.C.

1. This is an application seeking stay to the execution and implementation of the Judgment and Award passed on 8th July, 2020 by Chairman, M.A.C.T, Dadra & Nagar Haveli, Silvasa in M.A.C.P No.56 of 2016 awarding compensation of Rs.12,49,600/- with interest @ 7.5% p.a to minor Renuka who was represented by her next friend and legal guardian, Mr. Asharam Santya Valvi.

2. Heard learned Counsel for the applicant.

3. Learned Counsel for the applicant, on instructions, undertakes to deposit entire amount of compensation with accrued

interest in M.A.C.T, Dadra and Nagar Haveli, Silvasa within four weeks from today. Statement is accepted.

4. 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.

5. After depositing the amount, the applicant shall inform next friend and legal guardian of the minor about the factum of deposit within one week.

6. 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.

7. Mr . Asharam Santya Valvi, applicant's next friend and legal guardian is permitted to withdraw 50% amount of the compensation with accrued interest. The said amount shall be invested in the fixed deposit. Mr. Asharam Santya Valvi is entitled to derive periodical interest which shall be utilized for education and welfare of minor Renuka.

8. The next friend and legal guardian of minor - Asharam Santya Valvi shall furnish an undertaking at the time of withdrawing the amount that if the respondent-insurer succeeds in the appeal, he will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of

the first appeal. If he does not file an undertaking at the time of withdrawing the amount, the amount deposited by the applicant-insurer 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 the next friend and legal guardian of the minor, 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.]