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

**INTERIM APPLICATION NO.45 OF 2021
IN
FIRST APPEAL (STAMP) NO.95867 OF 2020**

Cholamandal MS General Insurance Co. Ltd. ...Applicant
V/S
Kalpesh Karsanbhai Valendra & Anr. ...Respondents

.....
Ayodhya Patki i/b. Nitesh Bhulekar for Applicant.
T.J. Mendon for Respondent No.1.
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 14TH JANUARY, 2021.

PC.

This is an application seeking stay to the execution and implementation of the Judgment and Award dated 19 December 2019 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P No.1603 of 2013.

2. Heard learned Counsel for the applicant.

3. Learned Counsel appearing for the applicant undertakes to deposit entire amount of compensation with interest in M.A.C.T, Mumbai within three weeks from today. Undertaking is accepted.

4. The award is to the tune of Rs.5,21,308/- (Rupees Five Lakhs Twenty One Thousand Three Hundred Eight Only) with interest @ 7.5% per annum.
5. If the Applicant fails to deposit the amount as aforesaid, the respondents – claimants are at liberty to execute the award.
6. After depositing the amount under award, the respondents will be at liberty to withdraw 50% of the amount with an undertaking that in case the Applicant succeeds in this appeal, the respondent would return the amount with interest that would be decided by this Court at the relevant time.
7. 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.
8. If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.
9. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)