Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.658 OF 2021
IN
FIRST APPEAL [STAMP] NO.97016 OF 2020

United India Insurance Co. Ltd.] Applicant

vs.

Maharashtra State Road Transport]
Corporation and others.] Respondents

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Mr. Nikhil Mehta i/b KMC Legal Venture, for Applicant.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 6th APRIL, 2021.

P.C.

1. This is an application seeking stay to the execution of the Award passed by the learned Chairman, M.A.C.T, Ratnagiri in M.A.C.P. No.14 of 2017 on 15th January, 2020.

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

3. Mr. Mehta submits that Darkhast No.7 of 2020 has been taken out by the respondent-claimant-M.S.R.T.C for execution of the Award of which returnable date is 19th April, 2021.

4. Mr. Mehta undertakes to deposit entire amount of compensation with accrued interest within four weeks from today. Statement is accepted.

5. In view of the statement made, there shall be ad-interim relief in terms of prayer clause (a) which reads as under;

> "(a)That this Hon'ble Court be pleased to stay the effect/implementation/execution of the Judgment & Award dated 15.01.2020 passed by Shri R.N. Joshi, LEARNED CHAIRMAN MACT RATNAGIRI @ RATNAGIRI".

subject to deposit of the amount as above.

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. After depositing the amount, the applicant shall inform the respondent-claimant about the factum of deposit within two weeks.

8. Respondent-claimant is at liberty to withdraw 40% 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, respondent-claimant

will refund the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.

9. If respondent-claimant does not file an undertaking at the time of withdrawing the amount, 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 an order from this Court.

10. If 40% amount is withdrawn by the respondent-claimant, 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.]