

Chitra Sonawane

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

**INTERIM APPLICATION NO. 166 OF 2021
IN
FIRST APPEAL (STAMP) NO.97066 OF 2020.**

Brihan-Mumbai Mahanagar Palika Applicant
Vs.
Mr. Asgar Ali Nabi Ahamad Khan
& Others Respondents.

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Ms Shraddha Chheda i/b Navdeep Vora & Associates, for the
applicant/Appellant.
None for the respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 27th JANUARY, 2021

P.C.

1. This is an application for staying execution and implementation of an award dated 3rd August 2019 passed by the Motor Accident Claims Tribunal, Mumbai in M.A.C.T. Application No.1570 of 2014 on the ground that the claimants/respondents have filed execution proceedings which are made returnable on 4th February 2021.

2. Heard the learned Counsel for the applicant-Brihan Mumbai Municipal Corporation. Learned Counsel for the applicant undertakes to deposit the entire amount of award including accrued interest within 4 weeks from today. Statement is accepted.

3. In view of the statement made as above, there shall be ad-interim relief in terms of prayer clause (a) of the application.
4. If the applicant fails to deposit the amount with accrued interest as above, the ad-interim shall stand vacated without further reference to the Court.
5. After depositing the amount under award, liberty is granted to the applicant to withdraw 50% of the amount with interest, with an Undertaking before the Motor Accident Claims Tribunal, Mumbai that in case the appellant succeeds in appeal, they shall return the amount with interest which shall be determined at the time of disposal of appeal.
6. After withdrawal of 50% of the amount, the Motor Accident Claims Tribunal, Mumbai shall invest the balance amount in any Nationalized Bank for a period of one year and thereafter, shall continue to deposit for one more year after obtaining an order of this Court.
7. If the respondent fails to withdraw the amount of 50%, the entire amount shall be invested in the Fixed Deposit in any Nationalized Bank as above.
8. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)

UDAY
SHIVAJI
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