Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4320 OF 2018

IN

FIRST APPEAL NO.1270 OF 2018

The New India Assurance Co. Ltd.] Applicant

Vs.

Dilip Mahadeo Gurav and others.] Respondents

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Mr. D.S. Joshi, for the Applicant.

None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 9TH MARCH, 2021.

P.C:

1. This is an application seeking stay to the execution, operation and implementation of the Judgment and Award dated 7th February, 2018 passed by the learned Member, M.A.C.T., Karad in M.A.C.P No.62 of 2012.

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

3. Learned Counsel for the applicant submits that execution proceedings bearing M.A.C.P Darkhast No.36 of 2019 have been filed by the respondents-claimants. If the impugned judgment and award is not stayed then the appeal will become infructuous.

4. Learned Counsel for the applicant, on instructions, makes a statement that the applicant will deposit entire amount of compensation with accrued interest before M.A.C.T, Karad within four weeks from today. Statement is accepted.

5. 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.

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

7. 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.

8. Respondents-claimants are at liberty to withdraw 50% 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 of compensation that if the applicant succeeds in the appeal, they 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 respondents-claimants do 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 50% amount is withdrawn by the respondents-claimants, 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.]