

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.113 OF 2021
IN
FIRST APPEAL [STAMP] NO.98471 OF 2020**

The New India Assurance Company Ltd.] Applicant

vs.

Nisha Santosh Dawande and others.] Respondents

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Ms. Deepika Prabhala i/b Res Juris, for Applicant.
None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 21st JANUARY, 2021.

PC :

1. This is an application seeking stay to the execution and implementation of the Judgment and Award dated 25th September, 2019 passed by the learned Member, Motor Accident Claims Tribunal, Mumbai in M.A.C.P No.197 of 2012.
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 four weeks from today. Undertaking is accepted.

4. In view of the undertaking tendered 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 the respondents-claimants about the factum of deposit within one week.
6. If the applicant fails to deposit the entire amount within four weeks, ad-interim relief shall automatically stand vacated.
7. The respondents are at liberty to withdraw 50% of the amount that would be deposited by the applicant before the concerned M.A.C.T upon furnishing undertaking within one week that if the applicant succeeds in the appeal, the respondents shall return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal.
8. If the respondents-claimants do 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.
9. If 50% amount is withdrawn by the respondents-claimants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

10. The application stands disposed of.

11. This order will be digitally signed by the Personal Assistant of this Court. All concerned shall act on production by fax or e-mail of a digitally signed copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]