

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 181 OF 2021
IN
FIRST APPEAL NO. 179 OF 2020**

United India Insurance Co. Ltd. .. Applicant

Vs.

Mrs. Urmila Balu Dede & Ors. .. Respondents

Mr. Amol Gatne for the applicant
Mr. Vilas B. Tapkir for respondent nos. 1 to 5

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 28th JANUARY, 2021

P.C.

1. By this application, the appellant – insurer has prayed for staying the execution, operation and implementation of the award dated 8th May, 2019 passed by the M.A.C.T., Pune in M.A.C.P. No. 522 of 2017, wherein the learned Member, M.A.C.T. has awarded a sum of Rs.41,02,000/- in favour of the claimants including No Fault Liability compensation, with interest at the rate of 8% p.a. from the date of the claim.

2. The learned Counsel for the applicant – insurer has brought to my notice that despite there being a candid admission of the employer of the deceased about non-maintenance of any record *qua* the salary, the Member, M.A.C.T. took the income of the deceased as Rs.22,000/- per month.

3. *Prima facie*, there is substance in what has been stated by the learned Counsel for the applicant-insurer. However, the learned Counsel has been fair enough to permit the respondents – claimants, what has been admitted in paragraph 13 of the memo of appeal, so as to say, the claimants would be permitted to withdraw Rs.10,08,000/- out of the amount of compensation, which would be deposited by the insurer within a period of four weeks from today.

4. As such, there shall be ad-interim relief in terms of prayer clause (b), subject to deposit of entire amount of award with accrued interest within a period of 4 weeks in M.A.C.T., Pune.

5. If the appellant fails to deposit the amount as above, ad-interim relief shall stand vacated automatically without further reference to the Court.

6. The respondents are at liberty to withdraw Rs. 10,08,000/- that would be deposited by the applicant before the concerned M.A.C.T upon respondents furnishing an undertaking within one week that if the appellant 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.

7. If respondents 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.

8. If the amount is withdrawn as above 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 is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)