This order is corrected vide speaking to minutes of the order dated 9th February, 2021
Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.33 OF 2021

IN

FIRST APPEAL [STAMP] NO.99055 OF 2020

IFFCO-TOKIO General Insurance Co. Ltd.] Applicant

Vs.

Devi Laxman Vadtya and others.] Respondents

.....

Ms. Deepika Prabhala a/w Rajesh Kanojia i/b Res Juris, for Applicant.
None present for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 13th JANUARY, 2021.

(Through Video Conferencing)

P.C.

1. This is an application seeking stay to the execution and implementation of the Judgment and Award dated 16th September, 2019 passed by the learned Member, Motor Accident Claims Tribunal, Pune in M.A.C.P No.222 of 2015.

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, Pune 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 (b) of the Interim Application, subject to deposit of the amount as above.

5. After depositing the amount, the applicant shall inform the respondents-claimants about the said factum within one week.

6. If the applicant fails to deposit the entire amount within four weeks, respondents-claimants are at liberty to execute the Award forthwith.

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 an undertaking within one week that if the appellant succeeds in the appeal, the respondents will 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 respondent No.1 does 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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as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.]