Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3536 OF 2019
IN
FIRST APPEAL (ST.) NO. 22011 OF 2019

ICICI General Insurance Co. Ltd. .. Applicant

Vs.

Navalram Bheraji Gayari & Ors. .. Respondents

.....

Ms. Deepika Prabhala i/b Res Juris for the applicant
None for the respondent

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th MARCH, 2021

P.C.

1. This is an application seeking stay to the execution and implementation of the award dated 17th September, 2018 passed by the MACT, Pune in MACP No. 820 of 2010.

2. The learned Counsel for the applicant submits that the appellant has a good case on merits. She, therefore, seeks stay to the execution *inter alia* submitting that the entire amount awarded by the Tribunal with accrued interest would be deposited within four weeks. Statement is accepted.

3. In view of the said statement, there shall be ad-interim relief in terms of prayer clause (b), which reads as under :-

UDAY SHIVAJI JAGTAP Digitally signed by UDAY SHIVAJI JAGTAP Date: 2021.03.22 18:00:40 +0530

> *"(b) Pending hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 17.09.2018 passed by the learned Member, MACT, Pune in MACP No. 820 of 2010 may kindly be stayed."*

4. If the applicant fails to deposit the entire amount within four weeks, ad-interim relief shall stand vacated without further reference to the Court.

5. After depositing the amount, the applicant shall inform the respondents-claimants about the factum of deposit within two weeks.

6. 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 two weeks that if the appellant succeeds in the appeal, the respondents shall refund 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 a fixed deposit in any Nationalized Bank for a period of one year and thereafter for one more year again after obtaining order from this Court.

8. If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as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.

9. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)