Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4766 OF 2016

IN

FIRST APPEAL NO.1661 OF 2016

Reliance General Insurance Co. Ltd.] Applicant

Vs.

Balwinder Kaur Narendrasingh]

Bhurji and others.] Respondents

.....

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

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 1st MARCH, 2021.

P.C.

1. This is an application seeking stay to the execution and implementation of the Judgment and Award dated 20th May, 2016 passed by the learned Chairman, Motor Accident Claims Tribunal, Dadra & Nagar Haveli Silvasa in M.A.C.P. No.13 of 2013.

2. Heard learned Counsel for the applicant.

3. Learned Counsel submits that the applicant has a good case on merits. She submits that the respondents-claimants have filed execution proceedings before M.A.C.T, Dadra & Nagar Haveli Silvasa. If the impugned judgment and award is executed then the appeal will become infructuous.

4. Learned Counsel undertakes to deposit entire amount of compensation with interest in Dadra & Nagar Haveli Silvasa, M.A.C.T within four weeks from today. Undertaking is accepted.

5. 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), 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 from today.

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

8. The respondents-claimants are at liberty to withdraw 50% of the amount that would be deposited by the applicant before the concerned M.A.C.T with accrued interest upon furnishing an undertaking within two weeks that if the applicant succeeds in the appeal, they will return 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 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.

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 If 50% amount is withdrawn by the respondents-claimants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.]