Uday S. Jagtap

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 663 OF 2019
IN
FIRST APPEAL (ST.) NO. 26549 OF 2018

Reliance General Insurance Co. Ltd. .. Applicant
Vs.
Smt. Runita Gangaram Thikrul & Ors. .. Respondents

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Ms.Poonam Mittal for the applicant
Mr. Suresh Dubey for respondent no.5

CORAM : PRITHVIRAJ K. CHAVAN, J.
DATED : 2nd MARCH, 2021

P.C.

1. This is an application seeking stay to the execution and implementation of the judgment and award dated 6th May, 2017 passed by the Member, M.A.C.T., Mumbai in M.A.C.P. No. 1576 of 2012.

2. Heard the learned Counsel for the applicant – insurer, who makes a statement at the bar that entire amount of award with accrued interest will be deposited in M.A.C.T. within a period of four weeks. Statement is accepted.

3. In view of the statement 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.

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 one week.

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 If 50% amount is withdrawn by the respondents, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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