

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1388 OF 2019
IN
FIRST APPEAL [STAMP] NO.30428 OF 2018

Cholamandalam M.S. General Insurance]
Co. Ltd.] Applicant
Vs.
Manisha Amit Mahske and another.] Respondents

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Ms. Deepika Prabhala i/b Res Juris, for Applicant.

None for Respondents.

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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 29th March, 2018 passed by the learned Member, Motor Accident Claims Tribunal, Pune in M.A.C.P No.82 of 2017.
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, Pune. 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 M.A.C.T, Pune 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.

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. Respondent No.1-claimant is 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, she 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 respondent No.1-claimant 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.

10. If 50% amount is withdrawn by respondent No.1-claimant, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.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.]