Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1002 OF 2018

IN

FIRST APPEAL [STAMP] NO.36497 OF 2017

The New India Assurance Company Limited	**]**	
through their Office Mumbai Legal HUB	**]**	**Applicant**
Vs.		
Shilpa Vishal Bhise and others.	**]**	**Respondents**

.....

Ms. D. Shalini Shankar, for Applicant.

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 5th APRIL, 2021.

P.C.:

1. This is an application seeking stay to the execution, implementation and operation of the Judgment and Award passed by the learned Chairman, M.A.C.T., Thane in M.A.C.P No.434 of 2012 on 26th July, 2016.

2. Heard Ms. D. Shalini Shankar, learned Counsel for the applicant.

3. Learned Counsel, on instructions, makes a statement that the applicant has deposited entire amount of compensation with accrued interest, Statement is accepted.

4. In view of the statement made by the learned Counsel for the applicant across the bar, there shall be ad-interim relief in terms of prayer clause (a) which reads as under;

> "Pending the hearing and final disposal of the present First Appeal, this Hon'ble Court be please to stay the effect, implementation and or execution of the impugned Judgment and order dated 21/07/2016 passed by the Hon'ble Court of Member, in Motor Accident Claim Petition No.434/2012".

5. Respondents-claimants are at liberty to withdraw 50% of the amount of compensation with accrued interest deposited by the applicant before the concerned M.A.C.T upon furnishing an undertaking at the time of withdrawal 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.

6. If the respondents-claimants do not file an undertaking at the time of withdrawing the amount, the amount 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 an order from this Court.

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 If 50% amount is withdrawn by the respondents-claimants, balance amount shall be invested by the M.A.C.T in a fixed deposit as stated above, in a Nationalized Bank.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]