

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2252 OF 2019
IN
FIRST APPEAL NO. 11 OF 2021**

**SANTOSH
SUBHASH
KULKARNI**

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SANTOSH SUBHASH
KULKARNI
Date: 2021.12.23
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Bajaj Allianz General Insurance Co. Ltd.

...Applicant/
Appellant

Versus

Vankat Sitaram Murty Sonti & ors.

...Respondents

Mr. Devendranath Joshi, for the Applicant/Appellant.

Ms. Varsha Chavan, for Respondent nos.1 to 4.

CORAM: N. J. JAMADAR, J.

DATED : 22nd DECEMBER, 2021

PC:-

1. Heard Mr. Joshi, the learned Counsel for the applicant/appellant.
2. Issue notice to the respondents.
3. Ms. Chavan, the learned Counsel waives notice for respondent nos.1 to 4 – original claimants.
4. Mr. Joshi, the learned Counsel for the applicant - insurer submits that the applicant has already deposited the entire amount of compensation along with interest accrued thereon in terms of Award in MACP No.128/2008, dated 12th February, 2019, passed by the learned Member, MACT, Kalyan.
5. In view of the aforesaid statement, there shall be ad-interim stay to the execution, operation and implementation of

the Award in MACP No.128/2008, dated 12th February, 2019, passed by the learned Member, MACT, Kalyan, till final decision of the appeal.

6. The Tribunal is requested to permit respondent nos.1 to 4 – original claimants to withdraw 50% of the amount of the compensation along with interest accrued thereon, upon furnishing an undertaking before the Tribunal, to bring back the said amount along with interest at such rate as may be decided by this Court, in the event the appeal is allowed and it is held that the original claimants are not entitled to compensation.

7. The application stands disposed of.

[N. J. JAMADAR, J.]