

Chitra Sonawane

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

**INTERIM APPLICATION NO.2261 OF 2019
IN
FIRST APPEAL NO.346 OF 2020**

United India Insurance Co.Ltd.]... Applicant.

Vs.

Smt.Jayshree Karbhari Sejwal & Ors.]... Respondents.

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Mr.Rahul Mehta i/b KMC Legal Venture for the applicant/appellant.

Mr.T.J.Mendon for the respondent nos.1 to 7.

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 10TH FEBRUARY, 2021.

P.C.

1. Heard Mr.Mehta, learned Counsel for the appellant.
2. Mr.Mendon, learned counsel waives service of notice for respondent Nos.1 to 7.
3. Mr.Mehta, learned Counsel for the appellant dispenses with service in respect of respondent no.8.
4. Since the respondents have filed execution proceedings against the appellant, in MACT, Thane, the learned Counsel prays for staying

execution and implementation of the award with an Undertaking that he shall deposit the entire amount of compensation in MACT, Thane within 4 weeks from today. Statement is accepted. In view of the statement made, ad-interim relief in terms of prayer clause (a).

5. If the appellant fails to deposit the amount of award with accrued interest within 4 weeks, ad-interim relief shall stand vacated automatically without further reference to the Court.

6. Learned Counsel for the appellant objects withdrawal of amount of compensation.

7. After depositing the amount under award with accrued interest, liberty to the claimants to withdraw 50% of the amount of compensation with accrued interest.

8. Claimants shall simultaneously give an Undertaking that in case, the appellant succeeds, they will refund the amount subject to outcome of the appeal.

9. After withdrawal of 50% of the amount, balance amount shall be invested in a Fixed Deposit in any Nationalized Bank for the period of one year and shall continue the same for one more year after obtaining order from this Court.

10. Out of 50% of the amount which is permitted to be withdrawn, shares of respondent nos.2 to 5 be given to respondent No.1 Smt.Jayshree Karbhari Sejwal, by 'Account Payee' cheque/NEFT. Shares of respondent nos.6 Mr.Waman Godaji Sejwal and No.7

Mrs.Nadarbai Waman Sejwal be made respectively into their accounts.

11. The application stands disposed of.

(PRITHVIRAJ K. CHAVAN, J.)