

Uday S. Jagtap

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

**INTERIM APPLICATION NO. 2861 OF 2019
IN
FIRST APPEAL NO. 1561 OF 2019**

SBI General Insurance Co. Ltd. .. Applicant

Vs.

Amina Khatun Hakimuddin Khan & Ors. .. Respondents

.....

Mr. Nitesh V. Bhutekar for the applicant
None for the respondents

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 25th JANUARY, 2021

P.C.

1. Heard the learned Counsel for the applicant – insurer.
2. The M.A.C.T., Thane in M.A.C.P No. 514 of 2016 has passed a judgment and award in the sum of Rs.4,96,656/- with interest at the rate of 7% p.a. from the date of the claim. The award was passed on 19th October, 2018.
3. Though the applicant is seeking stay to the execution and implementation of the impugned award, there is no mention that execution proceedings have been filed by the claimants before the M.A.C.T. The applicant has, however, prayed for staying the effect and execution of the impugned award.

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4. The learned Counsel for the applicant undertakes to deposit the amount of cheque with interest within a period of 3 weeks from today. Statement is accepted.

5. In view of the statement made before this Court, there shall be ad-interim relief in terms of prayer clause (a).

6. If the applicants fail to deposit the cheque within the aforesaid period, the ad-interim relief shall stand automatically vacated without further reference to the Court.

7. The learned Counsel submits that the claimants have withdrawn the amount of compensation from the Labour Court, Thane, arising out of the same accident, however, he is unable to make a statement as to how much amount has been withdrawn by the claimants.

8. The learned Counsel for the applicant makes a statement that he will produce the relevant documents as to whether the claimants – respondents have withdrawn some amount.

9. In view of the above, the Interim Application is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)