

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA.
WRIT PETITION NO.23 OF 2022.**

BAJAJ ALLIANCE GENERAL
INSURANCE CO. LTD., THR. ITS AUT.
SIGN., SHUBHAM PRAVIN THAKUR ...Petitioner.
VS
BHARAT BHIKHABHAI SHAH AND 3
ORS ...Respondents.

Mr. A. Kakaodkar, Advocate for the Petitioners.

Mr. R. Almeida, Advocate for the respondent nos.1 and 2.

**CORAM: C. V. BHADANG, J.
DATE: 21 April 2022.**

P.C.:

1. The challenge in this petition is to the order dated 9.12.2021 below Exh.11 passed by the Executing Court in Execution Application no.3 of 2021.

2. The Motor Accident Claims Tribunal by its judgment and award dated 25.1.2019 had granted compensation of ₹27,80,000/- to the decree holders in Claim Petition No.53/2013. Even before the appeal period was over the petitioner/Insurance Company deposited a total sum of ₹39,52,382/- before the Tribunal. However, intimation, as required by Sub-Rule 2 of Rule 1 of Order 21 of C.P.C., was not

served on the decree holders by registered post as required by the said provision. It is in this context that the decree-holders are claiming interest subsequent to the period of such deposit which has been granted by the Tribunal.

3. Upon hearing the learned counsel for the parties, I do not find any reason to interfere with the impugned order as admittedly the notice as required under the aforesaid provision was not served on the decree holders, and in terms of the said provision, the interest can cease only on service of such intimation.

4. In such circumstances, the Writ Petition is dismissed, with no order as to costs.

5. However, the learned counsel for the decree holders, on instructions, states that in order to bring finality to the long-standing dispute, the decree holders (original claimants) are ready and willing to accept an amount of ₹6,00,000/-, if paid by the petitioner, in full and final settlement of the award.

6. The Judgment debtor is at liberty to act on such statement, if so advised and obtain appropriate orders from the Executing Court.

C. V. BHADANG, J.