Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1731 OF 2016

IN

FIRST APPEAL [STAMP] NO.21903 OF 2015

United India Insurance Co. Ltd.	**]**	
Through its Divisional Office	**]**	**Applicant**
Vs.		
Sunil Bharamappa Hukkeri and others.	**]**	**Respondents**

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Mr. Amol Gatne, for Applicant.

Mr. Siddharth Shitole i/b Mr. Akshay Kulkarni, for Respondents No.1 and 2.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 17th JUNE, 2022.

P.C:

1. Heard Mr. Gatne, learned Counsel for the applicant and Mr. Shitole, learned Counsel for respondents No.1 and 2.

2. This is an application seeking stay to the effect, operation, implementation and execution of the Award dated 25th February, 2015 passed by the Motor Accident Claims Tribunal, Kolhapur, in M.A.C.P No.529 of 2005 under section 163-A of the Motor Vehicles Act.

3. Mr. Gatne submits that the applicant has not deposited interest on the principal amount of Rs.5,43,000/- as directed by the Chairman, M.A.C.T, Kolhapur. He submits that he will instruct the applicant to deposit the amount of interest before the Tribunal within four weeks from today. Statement is accepted.

4. In view of the statement made by Mr. Gatne, pending the hearing and final disposal of the appeal, there shall be stay to the execution of the impugned judgment and award in terms of prayer clause (B).

5. Respondents-claimants are permitted to withdraw 50% of the amount with accrued interest deposited by the applicant before the Tribunal upon furnishing an undertaking that if the applicant succeeds in the appeal, respondents-claimants will return the amount with interest at such rate as would be directed by this Court depending upon the outcome of the first appeal. Such undertaking shall be filed by the respondents-claimants at the time of withdrawing the amount.

6. If 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 Tribunal 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 If 50% of the total amount is withdrawn by the respondents-claimants, balance amount shall be invested by the Tribunal in a

fixed deposit as stated above, in a Nationalized Bank. Amount of compensation shall be deposited in the Bank Accounts of the respective respondents-claimants in equal proportion.

8. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]