

Sharayu Khot.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 19939 OF 2022

IN

FIRST APPEAL NO. 1294 OF 2022

The Oriental Insurance Co.Ltd.

...Applicant

Versus

Smt. Pooja Devendra Bidaye & Ors.

...Respondents

Ms. Chinmayee Ghag a/w Mr. Nishant Rana for the Applicant.

Mr. Amrin Khan i/by Mr. A.M. Gokhale for the Respondent Nos.1 to 4

CORAM : R.I. CHAGLA J

DATE : 29 November 2022

ORDER :

1. By this Interim Application, the Applicant is seeking stay of the execution, operation and implementation of the impugned judgment and award dated 14th October 2021 passed by the Motor Accident Claims Tribunal, Sindhudurg (MACT, Sindhudurg) in M.A.C.P No. 41 of 2018.

2. Learned Advocate appearing for the Applicant states on

instructions that the Appellant undertakes to deposit the entire amount awarded with accrued interest within a period of four weeks from today. Statement is accepted.

3. In view of the statement made, Interim Application is allowed in terms of prayer clause (a) of the Interim Application, subject to deposit of entire amount.

4. If the Appellant fails to deposit the entire amount within four weeks, *ad-interim* relief shall stand vacated without further reference to the Court.

5. Learned Advocate for the Respondents has sought permission to withdraw 50% of the amount deposited given the fact that the Respondents-Claimants who are the sole Defendants, upon his demise are facing financial difficulties.

6. I have considered the submissions of the learned Counsel for the Respondent.

7. Liberty is granted to the Respondents to withdraw 50%

of the amount to be undertaken to be deposited by the Appellant with the MACT, Sidhudurg. This is subject to furnishing an undertaking against disbursement of the amount that if the Appellant succeeds in the Appeal, the Respondent-Claimants shall return the amount of interest at such rates as determined by this Court.

8. In the event, the Respondents-Claimants do not file an undertaking, the amount to be deposited by the Appellant shall be invested by the MACT, Sindhudurg in the fixed deposits in any nationalised bank for a period of one year and thereafter, for subsequent year after obtaining order of this Court.

9. In the event, 50% amount is withdrawn by the Respondents-Claimants, balance amount shall be invested by MACT, Sindhudurg in fixed deposit in a nationalised bank.

10. Interim Application is accordingly, disposed of.

[R.I. CHAGLA J.]