

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2149 OF 2022

IN

FIRST APPEAL NO.316 OF 2022

**CHOLAMANDALAM GENERAL INSURANCE)
CO. LTD.)...APPLICANT**

V/s.

DINKAR MADHUKAR BONDGE & ORS.)...RESPONDENTS

Mr.Ayodhya Patki i/by. Mr.Nitesh Bhutekar, Advocate for the
Applicant.

CORAM : BHARATI DANGRE, J.

DATE : 6th APRIL 2022

P.C. :

1 In the present application, the applicant/appellant Insurance Company seeks stay of the impugned judgment and award dated 20th March 2020 passed by the MACT Mumbai in MACP No.1850 of 2015.

2 Heard the learned counsel for the applicant/appellant who submits that the appeal involves issues of great importance as the position of law about “Pay and Recover”, is not even adverted to by the learned Judge, while fastening the entire responsibility on the Insurance Company. Also the issue of contributory negligence and rash or negligent driving is also disputed. She submits that the impugned judgment shall be stayed, since the execution proceedings are likely to be filed.

3 Subject to applicant depositing the entire amount of compensation awarded in the impugned judgment along with the interest accrued upto 31st March 2022 within six weeks before the Tribunal, there shall be stay to the effect and operation of the impugned judgment and award.

4 In case there is failure to deposit the aforesaid amount, the stay shall stand automatically vacated and the claimant shall be at liberty to withdraw the amount.

(BHARATI DANGRE, J.)