

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.319 OF 2020
IN
FIRST APPEAL [STAMP] NO.10777 OF 2019

National Insurance Co. Ltd.] Applicant

Vs.

Rahul Shivaji Jadhav and others.] Respondents

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Mr. Amol Gatne, for Applicant.

None for Respondents.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 17th JUNE, 2022.

P.C:

1. Heard Mr. Gatne, learned Counsel for the applicant.
2. This is an application seeking stay to the effect, operation, implementation and execution of the Award dated 28th August, 2018 passed by the Motor Accident Claims Tribunal, Satara in M.A.C.P No.112 of 2017.
3. Mr. Gatne submits that the applicant has a good case on merits and if stay to the execution of the award is not granted, the appeal would become infructuous.

4. Subject to deposit of the entire amount of award granted by the Tribunal within four weeks from today, there shall be stay to the execution of the impugned judgment and award in terms of prayer clause (B).

5. If the applicant fails to deposit the amount as above, stay shall stand vacated automatically without further reference to the Court.

6. After depositing the amount, the respondents-claimants are at liberty 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, the 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.

7. 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.

8. If 50% of the total amount is withdrawn by the respondents-claimants, balance amount shall be invested by the Tribunal in a fixed deposit as stated above, in a Nationalized Bank.

9. Statutory deposit of Rs.25,000/- be transferred to M.A.C.T., Satara.
10. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]