

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1475 OF 2024
IN
FIRST APPEAL NO. 164 OF 2024**

M/s. Sharma Transports Through its
Authorised Signatory Sunil Kumar Sharma ...Applicant/Appellant
Versus
Akshay Ashok Natkar And Anr. ...Respondents

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Mr. Sharad Bansal, a/w Ms. Tanvi Gupta i/by Mr. Jaikishan
Lakhwani, for the Applicant/Appellant.

None for Respondent No.2.

....

**CORAM : N.R. BORKAR, J.
DATE : 6th AUGUST, 2024**

P.C.:

1. The applicant, owner of the vehicle involved in the accident has filed the first appeal against the Judgment and Award dated 24.07.2023 passed by the M.A.C.T. Pune in M.A.C.P No.410 of 2019. The operative part of the order reads thus:

ORDER

- “1. The petition is partly allowed with proportionate costs.
2. The Opponent No.1 viz. Sharma Transports is liable to pay compensation amount of Rs.12,92,900/- (Rs. Twelve Lakhs Ninety Two Thousand Nine Hundred Only) inclusive of NFL amount along with interest @ 9% per annum from the date of petition till realisation of entire amount, however, the opponent No.2 United India Insurance Company Limited shall

deposit the same and is entitled to recover it from the opponent No.1 by filing execution petition.

3. Out of amount of compensation, Rs.5,00,000/- be kept in Fixed Deposit Receipt in any Nationalised Bank in the name of applicant for the period of three years and rest of the amount be paid to applicant by issuing account payee cheque, after due verification and identification.

4. Applicant is directed to pay deficit court fees, if any, within one month.

5. Award be drawn up accordingly.”

2. I have heard the learned counsel for the applicant. None appears for contesting respondent No.2. On the last date also none had appeared for Respondent No.2.

3. The learned counsel for the applicant submits that pursuant to the impugned Judgment and Award, the Insurance Company has already deposited the amount before the concerned Tribunal.

4. By drawing my attention to driving license produced along with Interim Application No.1476 of 2024, the learned counsel for the applicant submits that, on the date of accident the driver of the vehicle was holding valid driving license. In that view of the matter, the order of the Tribunal to the extent of allowing the Insurance Company to recover the amount of compensation from the present applicant by filing execution is hereby stayed till final disposal of Appeal. Interim Application No.1475 of 2024 is disposed of accordingly.

(N.R. BORKAR, J.)