

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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KAKDE

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BAPPASAHEB KAKDE
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INTERIM APPLICATION NO.10765 OF 2024

IN

FIRST APPEAL NO. 1179 OF 2024

The New India Assurance Co. Ltd.

.. Applicant/Appellant

Versus

Smt. Meera Priyanath Pathak & Ors.

.. Respondents

Mr. Devendranath Joshi, *Advocates for the Applicant/Appellant.*

Mr. Vasant More, *Advocate for Respondent Nos.1 to 3.*

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**

DATE: JULY 26, 2024

P. C.

1. The above First Appeal is filed challenging the Judgment and Award dated 23rd January 2024 passed by the Motor Accidents Claim Tribunal in Motor Accidents Claim Petition No.1994 of 2014. By the impugned Judgement and Award, the Appellant was directed to pay compensation of Rs. 1,71,89,188/- together with interest at 7% per annum from the date of Application till payment and/or realisation, excluding the period from 8th November 2019 to 17th January 2023.

2. The above Interim Application is filed seeking a stay to the operation, implementation and execution of the impugned Judgment and Award dated 23rd January 2024.

3. The Advocate appearing on behalf of the Appellant/Applicant submitted that the Appellant/Applicant shall deposit the entire decretal amount in this Court within a period of four weeks from today. Considering the statement made by the learned Advocate, and which is accepted as an undertaking given to the Court, we direct that the Applicant/Appellant shall deposit in this Court a sum of Rs. 1,71,89,188/- together with interest at 7% per annum from the date of the Claim Petition till the date of deposit, excluding the period from 8th November 2019 to 17th January 2023, on or before 23rd August 2024.

4. If the aforesaid deposit is made within the stipulated period there shall be a stay of the impugned Judgment and Award. If the aforesaid amount is not deposited then the stay granted today shall automatically stands vacated without further reference to the Court and the Respondents herein shall be entitled to execute the judgement and Award dated 23rd January 2024 in accordance with law.

5. In the event, the amount as directed by us is deposited, the Respondents herein are permitted to withdraw 50% of the amount (inclusive of interest) on them giving a joint undertaking to this Court that they shall bring back the amount withdrawn in the event the above Appeal succeeds. As far as the balance 50% amount is concerned, the Respondents shall be entitled to withdraw the same only on furnishing security to the satisfaction of the Registrar (Judicial) of this Court. If any amount is not withdrawn within a period of four weeks from today, the same shall be invested in any nationalized bank and will abide by any further orders passed by this Court in that regard.

6. The Interim Application is accordingly disposed of. However, there shall be no order as to costs.

7. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]