

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.10974 OF 2024
IN
FIRST APPEAL (ST.)NO.20022 OF 2024

United India Ins. Co. Ltd.,

.. Applicant

Versus

Mr. Jayant D. Mitra
& Another

.. Respondents

Adv. Varsha Chavan, for the Applicant.

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**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.**
DATE: JULY 30, 2024

P. C.

1. This Interim Application is filed seeking a stay to the implementation and/or the execution of the impugned judgment and award dated 22nd December, 2023 passed by the Motor Accident Claims Tribunal, Mumbai in MACT Application No.140 of 2016. The learned Counsel appearing on behalf of the Applicant submitted that the Applicant-Insurance Company is willing to deposit the entire amount payable under the impugned judgment and award.

2. On perusing the impugned judgment and award, we find that the Claimant (the 1st Respondent herein) has been awarded a sum of Rs.1,07,10,000/- along with interest @ 7.5% p.a. from the date of the Claim Application till payment and/or realization. This liability is foisted jointly and severally on the opposite party (2nd Respondent herein) and the insurer (the Applicant/Appellant herein). The impugned order also directs that out of the aforesaid amount, an amount of Rs.50,00,000/- will be invested in any Nationalized Bank in the name of the Applicant for the period of 5 years and on maturity, it would be paid to him together with interest. The remaining amount along with interest would be paid to the Applicant.

3. Considering the statement made by the learned Counsel appearing on behalf of the Applicant-Insurance Company, we direct that the Applicant shall deposit in this Court a sum of Rs.1,07,10,000/- together with interest at 7.5% p.a. from the date of institution of the Claim Application till the date of deposit. This amount shall be deposited within a period of four weeks from today. In view of this direction, the impugned order shall be stayed with effect from today. It is however clarified that if the Applicant fails to deposit the aforesaid amount within a stipulated period, the stay granted today shall automatically stand vacated and the 1st Respondent shall be at liberty to execute the impugned judgment and award in accordance with

law. If the amount is deposited, we shall on the next occasion, consider whether the 1st Respondent ought to be allowed to withdraw any amount and on what terms and conditions, if any.

4. We direct the Registry to issue Notice to the Respondents, returnable on 27th August, 2024. In addition to the Court notice, the Advocate for the Applicant is permitted to serve the above Interim Application and the above First Appeal, along with copy of this order, on the Respondents by private notice as well.

5. Stand over to 27th August, 2024.

6. 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.]