

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

**INTERIM APPLICATION NO.11279 OF 2024
IN
FIRST APPEAL (L) NO.12250 OF 2024**

Tata AIG General Insurance Co. Ltd., Pune ...Applicant/Appellant

Versus

Rajendra Vitthalrao Zore & Anr. ...Respondents

Mr. Devendranath S. Joshi, Advocate for Applicant/Appellant.

**CORAM : B. P. COLABAWALLA &
SOMASEKHAR SUNDARESAN, JJ.**

DATE : OCTOBER 23, 2024

P. C.

1. The above Appeal has been filed by the Applicant-Appellant challenging the Judgment-Award dated 18th October, 2022 passed by the Motor Accident Claims Tribunal, Pune in M.A.C.P.No.657 of 2015. By the impugned Judgment-Award, the Applicant-Appellant (Respondent No.2 therein) is directed to pay jointly and severally the compensation of Rs.72,93,580/- including the no fault liability amount, with interest @ 9% per annum, from 11th September, 2015 until realization.

2. The above Interim Application is filed seeking a stay to the operation, implementation and execution of the impugned Judgment-Award dated 18th October, 2022 passed by the Motor Accident Claims Tribunal, Pune. The Learned Counsel appearing on behalf of the Applicant-Appellant submitted that there is grave urgency in the matter as the execution proceedings have been filed against the Applicant-Appellant and the next date is 7th November, 2024 which falls during the Diwali vacation. The Learned Counsel, on instructions, states that the Applicant-Appellant is willing to deposit the entire amount along with interest as directed in the impugned Judgment-Award. He, therefore, submitted that the operation, implementation and execution of the impugned Judgment-Award be stayed.

3. From the record, we find that the Respondents have not yet been served as the Interim Application is coming up for the first time. In these circumstances, the Registry is directed to issue notice to the Respondents, returnable on 27th November, 2024. Hamdast is also permitted.

4. In addition to the Court notice, the Applicant-Appellant is permitted to serve the Respondents with the papers and proceedings of the above Appeal, along with the copy of this order, by private

notice as well.

5. As far as ad-interim relief is concerned, we direct that the impugned Judgment-Award dated 18th October, 2022 passed by the Motor Accident Claims Tribunal, Pune in M.A.C.P. No.657 of 2015 shall be stayed only *qua* the Applicant-Appellant. The Applicant-Appellant shall deposit in this Court the sum of Rs.72,93,580/- together with interest @9% per annum from 11th September, 2015 till the date of deposit. This amount shall be deposited in this Court on or before 27th November, 2024.

6. In the event, the aforesaid amount is not deposited, the stay granted by us in the preceding paragraph shall automatically stand vacated and Respondent No.1 herein shall be free to execute the impugned Judgment-Award, in accordance with law. We have passed this order only as an ad-interim measure because the contesting Respondent, namely, Respondent No.1 is not before us today. When we take up this matter on the next occasion, we may also consider allowing Respondent No.1 to withdraw certain amounts subject to such terms and conditions as this Court may deem fit to impose.

7. Stand over to **27th November, 2024.**

8. 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.

[SOMASEKHAR SUNDARESAN, J.]

[B.P. COLABAWALLA, J.]