
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.15594 OF 2024
IN
FIRST APPEAL (ST) NO.34968 OF 2024

Future General India Insurance Co. Ltd. .. Appellant
(Org.Insurer Nos.1&2)

Versus

Vipin Prem Narayan Sharma & Ors. .. Respondents

UTKARSH
KAKASAHEB
BHALERAO

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Date: 2024.12.16
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Ms.Deepika Prabhala i/b Res Juris, Advocates for the
Appellant/Applicant.

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

DATE : DECEMBER 16, 2024

P. C.

1. The above Interim Application is filed seeking a stay of the impugned order dated 26th June 2024 passed by the Motor Accident Claims Tribunal, Mumbai in Claim Petition No.1721 of 2017. By the impugned order the claim petition filed by the 1st Respondent was partly allowed. The Appellant along with the 2nd Respondent were jointly and severally directed to pay a sum of Rs.88,76,200/-, inclusive of no-fault liability, to the 1st Respondent, along with interest at the rate of 7.5% per

annum from the date of the Claim Petition until payment and/or realization.

2. The learned advocate appearing on behalf of the Applicant/Appellant stated that the papers and proceedings of the above First Appeal as well as all Interim Applications filed therein have been duly served on the 1st Respondent on 12th December 2024. She stated that the affidavit of service to that effect shall be filed in the Registry within a period of 1 week from today. The said statement is accepted.

3. The learned advocate appearing on behalf of the Appellant, on instructions, stated that the Appellant is willing to deposit the entire decretal amount together with interest thereon, from the date of the filing of the claim petition till the date of deposit. She stated that the aforesaid amount shall be deposited within a period of four weeks from today. She stated that in view of the aforesaid statement, the operation, execution and implementation of the impugned order be stayed.

4. Considering the aforesaid circumstances, following order is passed:-

- (A) In view of the statement made by the learned advocate appearing on behalf of the Appellant, it is ordered that the operation, implementation and execution of the impugned order is stayed.
- (B) It is directed that the Appellant shall deposit in this Court a sum of Rs.88,76,200/- together with interest at the rate of 7.5% per annum from the date of the filing of the claim petition until the date of deposit, within a period of four weeks from today.
- (C) In the event the amount as directed above is not deposited within a time stipulated, the stay granted by this order shall stand vacated forthwith, and the 1st Respondent shall be at liberty to execute the impugned order in accordance with law.
- (D) If the amount is deposited, liberty is granted to the 1st Respondent to take out an appropriate application for withdrawal of the amount deposited. If such an application is made out, the same shall be decided on its own merits and in accordance with law.

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

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.

[SOMASEKHAR SUNDARESAN, J.]

[B. P. COLABAWALLA, J.]