

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL (St) NO.4483 OF 2025
WITH
INTERIM APPLICATION NO.1578 OF 2025

The New India Assurance Co.Ltd. Mumbai ...Appellant
Vs
Urvee Manoj Trivedi & Ors. ...Respondents

Mr. Devendranath S. Joshi, for the Appellant/Applicant.
Mr.Uday Mehta with Mr. Digambar Thakare, for Respondents/original applicants.

CORAM: G. S. KULKARNI &
 ADVAIT M. SETHNA, JJ.

DATE: 06 FEBRUARY 2025

P.C.

1. We have heard Mr. Joshi, learned Counsel for the appellant/applicant and Mr. Mehta, learned Counsel for the respondents on this Interim Application. The prayer in the Interim Application is for stay of the judgment and award dated 7 October 2024 passed by the Motor Accident Claims Tribunal Mumbai in M.A.C.P. No.2398 of 2011 to the tune of Rs.87,07,680/-. Mr. Joshi has submitted that the respondents have proceeded in execution as also warrant of attachment has been issued against the appellant/applicant. Hence, he prays for urgent interim orders in this application.

2. Mr. Joshi has submitted that the appellant has deposited with the M.A.C.T the amount of compensation as awarded by the MACT and not disputed by the appellant namely an amount of Rs.1,32,07,848/- which is proportionate to the principal amount of Rs.68,89,856/-. He submits that in the present appeal the appellant is disputing the award to the extent of Rs.87,07,680/-. In regard to such

award as assailed, Mr. Joshi states that the appellant is ready and willing to deposit the said amount alongwith the interest, with MACT within four weeks from today.

3. Having heard learned Counsel for the parties and having perused the record, we are of the opinion that the prayer as made by the appellant to deposit the balance amount of Rs.87,07,680/- alongwith the accrued interest, needs to be accepted. Let such amount be deposited with the MACT within four weeks from today.

4. The appellant has already deposited the amount in regard to which the appellant is not raising any dispute namely award to the extent of Rs.68,89,856/- and in respect of which alongwith interest an amount of Rs.1,32,07,848/- has been deposited with the MACT. As there is no dispute on such quantum, we permit the respondent to withdraw the said amount by making an application with the Registrar, MACT, Mumbai. On such application being made, within one week from the date of such application, such amount be permitted to be withdrawn by the respondent alongwith interest accrued thereon.

5. However, subject to deposit of the balance amount subject matter of challenge in this appeal, as directed by us hereinabove, the execution proceedings shall remain stayed. Ordered accordingly.

6. Interim Application is disposed of in the above terms. No costs.

7. We shall hear the parties on admission of appeal. The appeal be listed for admission on **27 February 2025**.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)