

**ORDER BELOW EXH.6 IN EXECUTION NO.380 OF 2024
IN MACP NO.301 OF 2016**

By this application, original claimant Ms. Deepali Suhas Sawant has prayed to allow her to withdraw an amount of Rs.40 lakh which was deposited by the Insurance company as directed by the Hon'ble Supreme Court vide Order dt. 11.11.2024 in SLP (C) No.27445/2024. It is her contention that at the relevant time this Court granted compensation Rs.22,61,784/- by the judgment in MACP No.301/2016. Thereafter, she filed Execution Petition No.380/2024. The Insurance company preferred Appeal before the Hon'ble Bombay High Court vide First Appeal (Civil) No.84/2022 which was disposed on 08.05.2024 wherein the Hon'ble High Court enhanced the amount to Rs.26,25,160/- @ 7.5% interest per annum from the date of filing claim petition till realization of the amount.

2. The Insurance company challenged the said Order passed by the Hon'ble High Court before the Hon'ble Supreme Court vide SLP (Civil) Diary No.40348 of 2024 : I.A. No.210740 dt. 11.11.2024. The Hon'ble Supreme Court directed the Insurance company as follows:

2. Delay condoned.
3. Issue notice, returnable in six weeks.
4. Subject to deposit of Rs.40,00,000/- (Rupees Forty Lakh) within four weeks with the Motor Accident Claims Tribunal, execution of the impugned order shall remain stayed. The amount so deposited may be disbursed to the **claimant(s), or otherwise it shall be kept in an interest bearing fixed deposit of a Nationalized Bank on auto renewal basis.**

3. Accounts Officer on 02.04.2025 submitted Report stating that the SBI General Insurance Co. Ltd. has deposited amount Rs.22,60,682/- and Rs.17,39,318/- on date 22.03.2025 and 17.01.2025 respectively. Writ Section i.e. Asst. Registrar on 01.07.2025 simply reported that the copy of Order passed by the Hon'ble Supreme Court in Special Leave Petition (Civil) Diary No.40348/2024 is uploaded on the Website of the Hon'ble Supreme Court and the Order attached with the application is the same.

4. I am constrained to note that Accounts Officer simply informed the Court that the amounts referred in his report were deposited in MACT, Mumbai by NEFT. Nothing is reported as to why the said amount was not deposited "**In an interest bearing Fixed Deposit of a Nationalized Bank on Auto Renewal Basis**", as specifically directed by the Hon'ble Supreme Court. Same is the situation with the Asst. Registrar who submitted the report regarding Writ, if any. The Report of Accounts Officer indicates that Rs.40 Lakh had been deposited in MACT, Mumbai through NEFT on 22.03.2025 and 17.01.2025, yet the same was not deposited as directed by the Hon'ble Supreme Court. Not only this but also after the deposit of amount as directed by the Hon'ble Supreme Court, this execution petition ought to have been stayed, yet it was not stayed.

5. Admittedly, the Hon'ble High Court enhanced the compensation amount against which the Insurance company approached the Hon'ble Supreme Court. The Order of the

Hon'ble Supreme Court clearly indicates that the amount so deposited may be disbursed to the claimant (s) **or otherwise** it shall be kept in an interest bearing Fixed Deposit of a Nationalized Bank on Auto Renewal Basis.

6. All this clearly indicate that the Special Leave Petition (Civil) Diary No.40348/2024 is still pending before the Hon'ble Supreme Court. In case the amount is disbursed to the claimant (s) as per first option and if the Special Leave Petition is allowed by setting aside Judgment of the Hon'ble High Court and this Tribunal, it will create difficult situation as recovery of the disbursed money from the claimant will be very difficult as much as impossible. Therefore, another option directed by the Hon'ble Supreme Court will safeguard the interest of claimant, Insurance company and everyone. Hence, the following order is passed:

ORDER

1. Application Exh.6 in Execution petition No.380/2024 in respect of MACP No.301/2016, stands rejected.

2. The Asst. Registrar who has submitted Report dt. 01.07.2025 and Accounts Officer who has submitted Report on 02.04.2025 **shall immediately keep amount of Rs.40,00,000/- (Rs.22,60,682/- + Rs.17,39,318/-) in an interest bearing Fixed Deposit of a Nationalized Bank i.e. State Bank of India, Fort Branch, Mumbai on Auto Renewal Basis, as directed by the Hon'ble Supreme Court and submit its written report in this Tribunal (Court Room No.2) until 22.07.2025 without fail.**

3. Exh.1 of Execution Petition No.380/2024 is being endorsed immediately as '**Stayed**' as directed by the Hon'ble Supreme Court.

Date : 17.07.2025

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(M.G. Deshpande)

Member, C.R. 2

MACT, Mumbai