

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**FIRST APPEAL NO. 2669 of 2016****With****CIVIL APPLICATION NO. 11796 of 2016****In****FIRST APPEAL NO. 2669 of 2016**

=====

DISTRICT SUPERINTENDENT OF POLICE....Appellant(s)

Versus

HEIRS OF DECEASED MANHARBHAI DANABHAI & 1....Defendant(s)

=====

Appearance:

MS VS PATHAK, AGP for the Appellant(s) No. 1

MS AMRITA AJMERA, ADVOCATE for the Defendant(s) No. 1.7

=====

CORAM: **HONOURABLE MR.JUSTICE R.P.DHOLARIA**

Date : 25/11/2016

ORAL ORDER**Order in the First Appeal:-**

Admit.

The matter requires consideration in view of decision of the Hon'ble Supreme Court in the case of **United India Insurance Company Limited vs. K. M. Poonam and others** reported in **(2015) 15 SCC 297**.

Order in the Civil Application:-

Upon considering the averments made in the application

and the submissions made by learned advocate for the applicant-appellant, the execution, operation and implementation of the impugned judgment and award dated 29/12/2015 passed by the Chairman, Motor Accident Claims Tribunal (Auxiliary), Surendranagar in MACP No.362 of 2006 is stayed till the final disposal of the present appeal on condition that the applicant-appellant deposits the entire awarded amount with interest and costs with the learned Tribunal within two months from the date of receipt of this order and upon deposit of such amount, the learned Tribunal shall disburse 30% of the amount in terms of the award and invest the remaining 70% amount in FDR with any nationalized bank with periodical interest to the claimants. The aforesaid FDR shall be renewed from time to time and shall not be encashed till final disposal of the appeal.

Present Civil Application is disposed of accordingly with the above direction.

(R.P.DHOLARIA,J.)

ila