

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

**CIVIL APPLICATION NO.2769 OF 2014
IN
FIRST APPEAL (ST). NO.19723 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.H.G.Misar for the applicant

Mr.Prakash Deshmukh for the respondent
nos.1 to 3

CORAM : K.K.TATED, J.
DATED : 22/01/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned Judgment and Award dt.31.1.2014 passed by MACT, Satara in MACP No.143 of 2008 holding that the respondents claimants are entitled compensation of Rs.4,77,000/- with 6% interest.
- 3 The learned counsel for the applicant submits that as per order dated 14.8.2014 passed by this court they already deposited entire decretal amount in the Tribunal. Statement is

accepted.

4 The learned counsel for the applicant submits that the Tribunal has awarded excess amount in favour of the respondents claimants. He submits that in the interest of Justice, this Honourable Court be pleased to stay the operation and implementation of the impugned order till the hearing and final disposal of the First Appeal. He submits that if stay is not granted, irreparable loss and injury will be caused to the applicant.

5 Considering the submissions made by the learned counsel for the applicant, the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application and at the same time, liberty be granted to the respondents original claimants to prefer appropriate application, if they so desire for withdrawal of the amount and that application will be decided on its own merits. Hence, following order:

(A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) pending the hearing and final disposal of the abovesaid First Appeal, the

execution, operation and implementation of the impugned Judgment and Award dated 31.1.2014 passed by the learned Member, Motor Accident Claims Tribunal, Satara in M.A.C.P. No.143 of 2008, may kindly be stayed.”

(B) Trial Court is directed to invest the entire amount in fixed deposit initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

(C) Liberty granted to the respondent claimant to prefer appropriate application for withdrawal of the amount, if they so desire and that application will be decided on its own merits.

(D) Civil Application is disposed of accordingly.

(K.K.TATED, J.)