

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

**CIVIL APPLICATION NO.557 OF 2015
IN
FIRST APPEAL (ST). NO.28529 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Ms.Shalini Shankar for the applicant

CORAM : K.K.TATED, J.
DATED : 11/02/2015

PC:

1 Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated dated 2.6.2014 passed by MACT, Satara in MACP No.281 of 2007 holding that the respondents claimants are entitled compensation of Rs.5,49,800/- with 9% interest.

3 The learned counsel for the applicant submits that they deposited entire decretal amount. She further submits that the

respondents claimants filed Execution Application in which the attachment order is issued. She further submits that if entire amount is withdrawn by the respondents claimants, nothing will survive in the present proceeding.

5 Considering the statement made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. As the order is passed without issuing notice to the respondents claimants, liberty granted to them to make appropriate application for withdrawal of the amount and that application be decided on its own merits. Hence, following order:

- a) Operation and implementation of the impugned judgment and award dated dated 2.6.2014 passed by MACT, Satara in MACP No.281 of 2007 is stayed till further orders.
- b) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till further orders.
- c) Liberty granted to the respondents claimants to move their application for withdrawal of amount and that application will be decided on its own merits.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)