

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.121 OF 2015
IN
FIRST APPEAL (ST) NO.469 OF 2015

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. A. S. Vidyarthi for the Applicant.

CORAM : K. K. TATED, J.
DATE : JANUARY 9, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant, the matter is taken on board for urgent orders.

2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 06/02/2014 passed by the MACT in MACP No.575/2009 by which the Tribunal directed the Applicant to pay Rs.9,75,254/- along with 7.5% interest to the Respondent original claimant by way of compensation.

3. The learned counsel for the Applicant submits that if the entire amount is recovered by the Respondent in Execution Application, nothing will survive in the present appeal.

4. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application, subject to depositing the entire decretal amount along with interest and costs, if any, before the Tribunal within four weeks from today. At the same time, the Respondent original claimants are entitled to withdraw some amount. Hence, the following order:

a) Rule.

Rule is made returnable after 12 weeks.

b) The operation and implementation of the impugned judgment and award dated 06/02/2014 passed by the MACT in MACP No.575/2009 is stayed subject to depositing the entire decretal amount along with interest and costs, if any, before the Tribunal within four weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

c) If the amount is deposited within stipulated time as stated hereinabove, the Respondent original claimants Shubhangi Chandrakant Kadam, Deepak Chandrakant Kadam

and Darshana Vishwanath Kadam are entitled to withdraw sum of Rs.1,25,000/- each without furnishing any security.

S.O. 12 weeks.

JUDGE