

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

**CIVIL APPLICATION NO. 1471 OF 2015
IN
FIRST APPEAL NO. 439 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. D.S. Joshi for the applicant.

**CORAM : K. K. TATED, J.
DATED : 15/04/2015**

P.C.:

. 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 the insurance company for stay of operation and implementation of the judgment and award dated 11.09.2014 passed by M.A.C.T. Mumbai in Application No. 2277 of 2009 by which the Tribunal held that the respondents claimants are entitled to Rs. 7,10,000/- with 7.5 % interest per annum by way of compensation.

3 The learned Counsel for the applicant submits that the respondents claimants filed execution notice no. 291 of 2014 for recovery of entire awarded amount. He submits that if entire amount

is recovered by the respondents claimants in execution notice, nothing will survive in the present proceeding. He submits that in the present proceeding, the applicant insurance company is restricted their challenge to the claim of Rs.4,10,000/-.

4 Considering the submissions made by the learned Counsel for the applicant and as the respondents claimants filed execution notice for recovery of entire awarded amount, I am satisfied that applicant has made out case for allowing this Civil Application. But, at the same time, applicant insurance company to deposit the remaining decretal amount in the Tribunal within four weeks from today.

5 Hence, the following order.

a) The operation and implementation of the judgment and award dated 11.09.2014 passed by the M.A.C.T. Mumbai in Application no. 2277 of 2009 is stayed on condition that applicant insurance company to deposit remaining decretal amount in the Tribunal within four weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

b) The respondents claimants are entitled to withdraw the entire amount except sum of Rs. 4,10,000/- with interest without furnishing any

security.

c) Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

d) The Tribunal is directed to invest the remaining amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

e) The Registry of this Court is directed to transfer the amount of Rs.25,000/- with interest if any, which was deposited by the applicant at the time of filing of First Appeal, to the M.A.C.T. Mumbai in the account of Application no. 2277 of 2009.

f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)