

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

**CIVIL APPLICATION NO.1084 OF 2013
IN
FIRST APPEAL (ST). NO.5953 OF 2013**

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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Ms.Urmila K. Sanil for the applicant

**CORAM : K.K.TATED, J.
DATED : 06/02/2015**

PC:

- 1 Heard the learned counsel for the applicant.
- 2 Though respondents are duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is preferred by Insurance Company for stay of the operation and implementation of the judgment and award dated 17.9.2012 passed by MACT, Nasik in MACP No.615 of 2007.
- 4 The learned counsel for the applicant submits that pursuant to the order passed by this court on 25.3.2013 the applicant deposited entire decretal amount in the Tribunal. Statement is accepted.

5 The learned counsel for the applicant submits that in the interest of Justice, this Honourable court be pleased to stay the operation and implementation of the impugned judgment and award dated 17.09.2012.

6 Counsel for the applicant submits that if entire amount is withdrawn by the respondent claimant, nothing will survive in the First Appeal.

7 Considering the submissions made by the learned counsel for the applicant and the averments made in application, I am satisfied that applicant has made out a case for allowing this application.

8 As no one appeared on behalf of the respondents when the matter was called out, liberty granted to the respondents claimants to prefer appropriate application, if they so desire for withdrawal of the amount and that application be decided on its own merits.

9 Hence, following order:

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

“a) The Judgment and award dated 17.9.2012 passed in MACP No.615 of 2007 by the Member Motor Accident Claims

Tribunal, Nasik be stayed as against the Petitioners/Appellants pending the hearing and final disposal of this First Appeal.”

(B) Tribunal is directed to invest entire amount in fixed deposit of any nationalised bank 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 respondents claimants to prefer appropriate application for withdrawal of amount if they so desire and that application will be decided on its own merits.

(D) The amount of Rs.25,000/- deposited by the Applicant in the Registry of this court be transferred to the MACT, Nasik along with accrued interest immediately.

(E) Civil Application is disposed of accordingly.

(K.K.TATED, J.)