

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

**CIVIL APPLICATION NO. 948 OF 2015
IN
FIRST APPEAL (ST). NO. 5789 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. R. Mahadik for the applicant.

Mr. T. J. Mendon for the respondent nos. 1 to 3.

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 insurance company for stay of operation and implementation of impugned Judgment and Award dated 12.09.2014 passed by M.A.C.T. Mangoan, District Raigad in M.A.C.P. No. 135 of 2010.

3 The learned Counsel for the applicant submits that they already deposited the entire decretal amount including interest and cost in the Tribunal. He submits that the respondents claimants filed

execution application. He submits that if entire amount is recovered by the respondents claimants in execution application, nothing will survive in the present proceeding. He further submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of impugned judgment and award dated 12.09.2014 till the hearing and final disposal of the First Appeal.

4 On the other hand, the learned Counsel for the respondents claimants vehemently opposed the present Civil Application. He submits that they are entitled to withdraw the entire amount as awarded by the Tribunal.

5 Considering the submissions made by the learned Counsel for the applicant and as the applicant has already deposited the entire decretal amount in the Tribunal, I am satisfied that applicant has made out case for allowing this Civil Application.

6 Hence, the following order.

a) The operation and implementation of the impugned judgment and award dated 12.09.2014 passed by the M.A.C.T. Mangaon

District Raigad in M.A.C.P. No. 135 of 2010, is stayed till further orders.

b) 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.

c) The Tribunal is directed to invest the amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till further orders from this court.

d) 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 Tribunal in the account of M.A.C.P. No.135 of 2010.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)