

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

**CIVIL APPLICATION NO. 795 OF 2014
IN
FIRST APPEAL (ST) NO. 6344 OF 2014**

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. Poonam Mittal for the applicant.
None for the respondents.

**CORAM : K. K. TATED, J.
DATED : 18/04/2015.**

PC.:

- . Heard learned Counsel for the applicant.
- 2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.
- 3 This Application is preferred by the insurance company for stay of operation and implementation of the judgment and award dated 06.08.2013 passed by the M.A.C.T., Pune in M.A.C.P No. 660 of 2005 holding that the respondents claimants are entitled to sum of Rs.5,68,000/- with 8% interest per annum by way of compensation.
- 4 The learned counsel for the applicant submits that pursuant to the order passed by this court on 05.03.2014, they deposited entire decretal amount

in the Tribunal. The statement is accepted.

5 The learned counsel for the applicant submits that in the interest of justice this Court be pleased to stay the operation and implementation of impugned judgment and award dated 06.08.2013 passed by the Tribunal during the pendency of the present First Appeal. She submits that if entire amount is withdrawn by the claimants, nothing will survive in the present First Appeal.

6 As no one appeared on behalf of claimants, 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.

7 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.

8 Hence, the following order:

a) The operation and implementation of judgment and award dated 06.08.2013 passed by the M.A.C.T., Pune in M.A.C.P. No. 660 of 2005 is stayed till the hearing and final disposal of First Appeal.

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) In the meanwhile, the Tribunal is directed to invest the entire 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.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)