

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

**CIVIL APPLICATION NO.1070 OF 2013
IN
FIRST APPEAL NO.553 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.Varsha Chavan for the applicant

CORAM : K.K.TATED, J.
DATED : 20/02/2015

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 impugned judgment and award dated 11.9.2012 passed by MACT, Kalyan in MACP No.294 of 2008 holding that the respondents claimants are entitled compensation of Rs.1,80,000/- with 6% interest from the date of application till its actual realisation.
- 4 The learned counsel for the applicant submits that as per order dated 10.06.2014 passed by this

court, they have already deposited entire decretal amount in the Tribunal.

5 Statement is accepted.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

7 As no one appeared on behalf of the respondents claimants, liberty granted to them to prefer appropriate application for withdrawal of the amount if they so desire and that application will be decided on its own merits. Hence, following order:

A) Operation and implementation of the impugned Judgment and award dt.11.09.2012, passed by M.A.C.T.Kalyan in MACP No.294 of 2008 is stayed till the hearing and disposal of the First Appeal.

B) Tribunal is directed to invest remaining 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 First Appeal.

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

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)