

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

**CIVIL APPLICATION NO. 1378 OF 2013
IN
FIRST APPEAL NO. 383 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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Mr. Ketan Joshi for the applicant.

**CORAM : K. K. TATED, J.
DATED : 26/03/2015.**

PC.:

- . Heard learned Counsel for the applicant.
- 2 Office note shows that Civil Application as well as First Appeal stand dismissed against respondent no.1B original claimant Shaikh Ismail Rajjak.
- 3 This application is preferred by insurance company for stay of operation and implementation of Award dated 25.11.2011 passed by the M.A.C.T. Nashik in M.A.C.P. no. 931 of 2008 holding that the respondents claimants are entitled to sum of Rs.1,78,000/- with 7.5% interest by way of compensation.
- 4 The learned counsel for the applicant submits that pursuant to the order dated 03.09.2013 passed by this Court (Coram : A.P. Bhangale, J), they have

already deposited the entire decretal amount with costs in the Tribunal.

5 The learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 25.11.2011 passed by M.A.C.T. Nashik. He submits that if, entire amount is recovered by the respondents claimants, nothing will survive in the present proceeding.

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

7 Hence, the following order.

a) The operation and implementation of impugned judgment and award dated 25.11.2011 is stayed to the extent of claim of respondent no.1A Shaikh Ibrahim Rajjak (Original claimant no.2) till the hearing and final disposal of the present First Appeal.

b) Liberty granted to the applicant to prefer appropriate application, if he so desire, for withdrawal of amount and that application will be decided on its own merits.

c) In the meanwhile, the Tribunal is

directed to invest the amount deposited by the applicant in fixed deposit of any nationalised bank initially for the period of one year and same to be continued till the hearing and final disposal of First Appeal.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)