

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3345 OF 2013
IN
FIRST APPEAL NO.1192 OF 2013

National Insurance Co. Ltd. .. Applicants
-Versus-
Santosh Laxman Ahire & Anr. .. Respondents

Mrs.Urmila Sanil for applicants.

CORAM : K.K.TATED, J.

DATE : 20th March 2015.

P.C.

1] Heard the learned Counsel for applicants. Though the respondents are duly served, no one appears on their behalf.

2] This application is preferred by the insurance company for stay of the operation and implementation of the award dated 1st January 2013 passed by the Motor Accidents Claim Tribunal in Motor Accidents Claim Petition No.892 of 2007, awarding a sum of Rs.98,000/- with 6% interest.

3] The learned Counsel for the applicants submits that as per earlier order passed by this Court, they had already deposited entire awarded amount in Tribunal. The statement is accepted.

4] The learned Counsel for applicants submits that in the interest of justice, this Court be pleased to stay the operation and implementation of the impugned judgement and award dated 1st July 2013 till hearing and final disposal of the first appeal. She submits that if the amount is withdrawn by claimants , nothing would survive in the first appeal.

5] Considering the submissions made by the applicants and the averments made in the civil application, I am satisfied that the applicants have made out a case for allowing the civil application.

6] As no one appears on behalf of the respondents/ claimants, liberty is granted to the respondents to file appropriate application for withdrawal of the amount deposited. If such an application is made, the same will be decided on its merits.

7] Hence, following order:-

(A) the civil application is allowed in terms of prayer clause

(a) which reads as under:-

(a) The judgement and award dated 1st January 2013 passed in MACP No.892 of 2007 by the Member Motor Accidents Claims Tribunal, Nashik be stayed as against the appellants pending the hearing and final disposal of this first appeal.”

(B) Liberty is granted to the respondents/ claimants to prefer the appropriate application, if they so desire, for withdrawal of the amount deposited and if such an application is made the same will be decided on its own merits.

(C) Registry is directed to transfer the amount of Rs.25,000/- with accrued interest, if any, to the MACT Nashik to the credit of MACP No.892 of 2007;

(D) Civil application is disposed of.

(K.K.TATED, J.)