

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

CIVIL APPLICATION NO.1771/2012
IN
FIRST APPEAL NO.992/2013

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. Rakesh K. Singh for the Applicant
Mr. V. A. Shastri for the Respondent Nos.1, 3 and 4.

CORAM : K. K. TATED, J.
DATE : JULY 15, 2015

P.C.:

1. Heard. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the award dated 20/11/2011 passed by the MACT, Pune in MACP No.1239/2008 by which the Tribunal held that the Respondent-Claimants are entitled to compensation of Rs.13,91,900/- with 9% p.a. interest from the date of filing Application till its realization.

2. The learned counsel for the Applicant submits that as per order dated 25/06/2012 passed by this court, they already deposited the entire awarded amount in the Tribunal. Statement is accepted.

3. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay operation and implementation of the impugned award dated 20/11/2011 passed by the Tribunal. He submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings.

4. On the other hand, the learned counsel for the Respondent-Claimant vehemently opposed the Civil Application. He further submits that the Applicant preferred Civil Application No.2458/2013 for withdrawal of the amount, which will be decided on its own merits.

5. 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.

6. Hence, the following order:

a) The operation and implementation of the impugned award dated 20/11/2011 passed by the MACT, Pune in MACP No.1239/2008 is stayed till hearing and final disposal of the First Appeal.

b) Civil Application No.2458/2013 filed by the claimant for withdrawal of the amount will be decided on its own merits.

c) The Tribunal is directed to invest the awarded amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till further orders.

d) Civil Application stands disposed off accordingly.

JUDGE