

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

**CIVIL APPLICATION NO.2308 OF 2012
IN
FIRST APPEAL (ST) NO.13847 OF 2012**

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.D.S.Joshi for the applicant

Mr.S.P.Thorat for the respondent no.2

**CORAM : K.K.TATED, J.
DATED : 18/03/2015**

PC:

- 1 Leave to amend.
- 2 Heard the learned counsel for the parties.
- 3 This application is preferred by Insurance Company stay of the operation and implementation of the impugned judgment and award dated 21.07.2011 passed by MACT, Pune in MACP No.750 of 2010 directing applicant to pay sum of Rs.25,000/- under section 140 of the Motor Vehicle Act. This court by order dated 20.07.2012 granted ad-interim relief in terms of prayer clause (a) on the condition that applicant to deposit entire amount of compensation in the Trial Court within a period of five weeks.

4 The learned counsel for the applicant submits that as on today they do not have any instruction whether this order is complied by the applicant or not.

5 Considering the submissions made by the learned counsel for the Applicant and the earlier order dated 20.07.2012, following order is passed:

a) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) Pending the hearing and final disposal of the appeal, this Honourable Court, by an order of stay, may kindly stay the operation, implementation and execution of the impugned Award dated 21/07/2011 passed by Motor Accident Claims Tribunal, Pune, below Exhibit 5 i.e. Application under Section 140 in M.A.C.P No.750 of 2010.”

b) Liberty granted to the respondent no.1 claimant to prefer appropriate application for withdrawal of the amount, if he so desires and that application be decided on its own merits.

c) If amount is not deposited within stipulated time as per earlier order, four weeks time is granted from today to comply the same, failing which Civil Application shall stand dismissed without referring back to the court.

d) Civil application stands disposed off

accordingly.

e) Office is directed to place First Appeal on board on 18.4.2015.

(K.K.TATED, J.)