

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

CIVIL APPLICATION NO.1999 OF 2012  
IN  
FIRST APPEAL NO. 967 OF 2012

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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. Nikhil Mehta i/b. KMC Legal Venture for the Applicant  
Mr. Ketan Joshi for the Respondent No.9.

**CORAM : K. K. TATED, J.**  
**DATE : FEBRUARY 26, 2015**

**P.C.:**

1. Heard. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 31/01/2012 passed by the MACT, Pune in MACP No.28/2009.

2. The learned counsel for the Applicant makes a statement that they have already deposited the entire decretal amount in the Tribunal as per the order passed by this court. 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 the operation and

implementation of the impugned judgment and award dated 31/01/2012 passed by the MACT, Pune in MACP No.28/2009. He submits that if the amount is withdrawn by the Respondent claimants, nothing will survive in the present proceedings. He submits that, they have good chance of success in the matter.

4. As none appeared for the Respondent – claimants, liberty granted to them to prefer an appropriate Application for withdrawal of compensation amount, if they so desire, 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. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 31/01/2012 passed by the MACT, Pune in MACP No.28/2009 is stayed till hearing and final disposal of the First Appeal.

b) The Tribunal is directed to invest the entire decretal amount in a fixed deposit account of any Nationalized Bank, initially

for a period of one year and the same shall be renewed from time to time till hearing and final disposal of the appeal.

c) Civil application stands disposed off accordingly.

**JUDGE**