

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

**CIVIL APPLICATION NO.2085 OF 2014
IN
FIRST APPEAL (ST) NO.14487 OF 2014**

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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Ms.Kalpana R. Trivedi for the applicant

Mr.Nitesh V. Bhutekar for the respondent

**CORAM : K.K.TATED, J.
DATED : 06/02/2015**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the judgment and award dated 24.9.2013 passed by MACT, Mumbai in Application No.2302 of 2010.
- 3 The learned counsel for the applicant submits that as per order passed by this court they deposited entire decreetal amount in the Tribunal.
- 4 Statement is accepted.
- 5 The learned counsel for the applicant submits that the Tribunal awarded enhanced

excess compensation in favour of the respondent claimant. She further submits that if entire amount is withdrawn by the respondent claimant, nothing will survive in the First Appeal. She submits that they have good chance of success in the First Appeal. She submits that in the interest of Justice, this Honourable Court be pleased to stay the operation and implementation of the judgment and award passed by the Tribunal till the hearing and final disposal of the above mentioned First Appeal.

6 On the other hand the learned counsel for the respondent claimant vehemently opposed the present Civil Application. He submits that the Tribunal has awarded compensation after considering the evidence on record. He further submits that the respondent claimant preferred Civil Application No.4110 of 2014 for withdrawal of the amount.

7 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order:

a) Operation and implementation of the

impugned judgment and award dated 24.9.2013 passed by MACT, Mumbai in Application No.2302 of 2010 is stayed till the hearing and final disposal of the First Appeal.

b Civil Application No.4110 of 2014 preferred by the respondent claimant for withdrawal of the amount be decided on its own merits.

c Civil Application is disposed of accordingly.

(K.K.TATED, J.)