

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

**CIVIL APPLICATION NO.2899 OF 2011
IN
FIRST APPEAL NO.1467 OF 2011**

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.Yogita Deshmukh i/b Mr.M.M.Sathaye for the applicant

Mr. V.M.Parkar for the respondent

CORAM : K.K.TATED, J.
DATED : 25/02/2015

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 4.2.2011 passed by MACT, Thane in MACP No.359 of 2007 awarding amount of Rs.3,63,000/- with 7.5% p.a. interest by way of compensation to the respondents claimants.
- 3 The learned counsel for the applicant submits that they already deposited entire decreetal amount in the Tribunal.
- 4 Statement is accepted.

5 The learned counsel for the applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award dated 4.2.2011 passed by Tribunal. He further submits that if entire amount is withdrawn by the claimant, nothing will survive in the First Appeal.

6 On the other hand, the learned counsel for the claimant submits that they preferred Civil Application No.2975 of 2014 for for withdrawal of the amount.

7 Considering the submissions made by the learned counsel for the applicant and as entire amount is deposited by them in the Tribunal, 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 4.2.2011 passed by MACT, Thane in MACP No.359 of 2007 is stayed till the hearing and final disposal of the First Appeal.

b) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the

First Appeal

c Civil Application No.2975 of 2014 preferred by the respondent claimant for withdrawal of the amount be decided on its own merits.

d Civil Application is disposed of accordingly.

(K.K.TATED, J.)