

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

CIVIL APPLICATION NO.2931/2013
IN
FIRST APPEAL NO.1367/2014

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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Mr. S. M. Vidyarthi for the Applicant

CORAM : K. K. TATED, J.
DATE : JULY 10, 2015

P.C.:

1. Heard. None for the Respondent though duly served.

2. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned award dated 11/12/2012 passed by the MACT Mumbai in Application No.469/2002.

3. The learned counsel for the Applicant submits that as per earlier order passed by this court, they already deposited the entire award amount. He submits that if stay is not granted, the Respondent-Claimant may withdraw the said amount and the Applicant would suffer irreparable

loss, harm and injury. He submits that the Applicant has good chance of success in the matter. In the interest of justice, this Hon'ble Court be pleased to stay the impugned award.

4. Considering the submission made by the learned counsel for the Applicant and the averments made in the Civil Application, I am of the opinion that the Applicant has made out a case for allowing the Civil Application.

5. At the same time, liberty granted to the Respondent-Claimant to file an appropriate Application for withdrawal of the awarded amount, if they so desire, which will be decided on merits.

6. Hence, following order is passed:

a. Pending the hearing and final disposal of the First Appeal, the operation and implementation of the impugned award dated 11/12/2012 passed by the MACT Mumbai in Application No.469/2002 is stayed.

b. The Tribunal is directed to invest the awarded amount in fixed deposit account of any Nationalized Bank, initially for a period of 1 years, which shall be renewed from time to time, till further orders.

c. The Respondent-Claimant is entitled to file an appropriate Application for withdrawal of the awarded amount, if they so desire, which will be decided on merits.

d. Civil Application stands disposed of accordingly.

JUDGE