

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3843 OF 2013
IN
FIRST APPEAL NO.1437 OF 2012

Divisional Manager, United
India Insurance Co. Ltd. ... Applicant
V/s.
Sanjivani Sanjay Topale & Ors. ... Respondents

Mr.Dhanjay B. Deshmukh i/b. Abhijeet Joshi for applicant

CORAM : K.K.TATED, J.
DATED : 13th March 2015.

P.C.

1] Heard learned Counsel for the applicant. None appears for the respondents, though, duly served.

2] This application is preferred by the insurance company for stay of and implementation of judgement and award dated 2nd March 2013 passed by the MACT Sindhudurg at Oras in M.A.C.P No.12 of 2011.

3] Learned Counsel for the applicant submits that as per the earlier orders passed by this Court, they have already deposited the entire amount. He submits that in the interest of justice, this Court be pleased to allow the present application and stay the operation and implementation of the judgement and award passed by the tribunal. He submits that if

the amount is withdrawn by respondent claimant nothing will survive in the appeal. They have good chance to succeed in the present proceedings.

4] As none appears on behalf of respondent, liberty granted to them to prefer the application, if they so desire, for withdrawal of the money deposited. If such an application is made, the same will be decided on its own merits and in accordance with law.

5] Hence, the following order:-

(a) The operation and implementation of the impugned judgement and award dated 2nd March 2013 passed by MACT Sindhudurg at Oras in M.A.C.P. No.12 of 2011 is stayed till the hearing and final disposal of the first appeal.

(b) Tribunal is directed to invest the entire amount in fixed deposit of any nationalised bank for one year and same to continue till the hearing and final disposal of the matter;

(c) Liberty granted to the respondents/ claimants to prefer appropriate application, if they so desire for withdrawal of the amount and that application will be decided on its own merits;

(d) Civil Application is disposed of.

(K.K.TATED, J)