

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

CIVIL APPLICATION NO.4255 OF 2013

IN

FIRST APPEAL NO.1686 OF 2013

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.A.Agarkar for the applicant

Mr.C.M.Lokeshappa for the respondent

CORAM : K.K.TATED, J.
DATED : 27/03/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by owner of offending vehicle for stay of the operation and implementation of the impugned judgment and award dated 06.03.2013 passed by MACT, Pune in MACP No.46 of 2009 awarding sum of Rs.2,74,500/- with 7.5% p.a. by way of compensation.
- 3 The learned counsel for the applicant submits that as per order dated 21.7.2014 passed by this court, they deposited entire decretal amount in the Tribunal. Statement is accepted.
- 4 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 passed by the Tribunal till the hearing and final disposal of the First Appeal. He submits that if the amount is withdrawn by the respondents claimants during the pendency of the present First Appeal nothing will survive in the matter. He further submits that if appellant succeeds in the present matter, it will be difficult for them to recover the said amount from the respondents. Hence, during the pendency of the present First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned award passed by Tribunal.

5 On the other hand, the learned counsel for the respondents claimants vehemently opposed the present Civil Application. He submits that they preferred Civil Application No.840 of 2015 for withdrawal of the amount. That application be decided on its own merits.

6 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and after going through the impugned order dated 21.7.2014 passed by this court, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) Pending the hearing and final disposal of above First Appeal the execution, operation and or implementation of impugned Judgment and Award dated 6.3.2013 passed by Learned Member Motor Accident Claims Tribunal, Pune in Special MACP No.46 of 2009 be kindly stayed.”

B) Civil Application No.840 of 2015 preferred by respondents claimants will be heard on its own merits.

C) Tribunal is directed to invest entire amount deposited by Insurance Company 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.

D) Civil Application is disposed of accordingly.

(K.K.TATED, J.)