

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

**CIVIL APPLICATION NO.2411 OF 2012
IN
FIRST APPEAL (ST) NO.18943 OF 2012**

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.M.M.Sathaye for the applicant

Mr.R.S.Chahal for the respondent nos.1 to 3

**CORAM : K.K.TATED, J.
DATED : 20/02/2015**

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 impugned judgment and award dated 18.1.2012 passed by MACT, Thane in MACP No.910 of 2008 awarding compensation of Rs.9,09,000/- to the respondents claimants with 7% interest p.a.
- 3 The learned counsel for the applicant Insurance Company submits that they already deposited entire decretal amount in the Tribunal. He further submits that if entire amount is withdrawn by the respondent claimants during the

pendency of the present First Appeal, nothing will survive in the present proceeding. He 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 dated 18.1.2012.

4 On the other hand, the learned counsel for the respondent claimant vehemently opposed the present Civil Application. The learned counsel for the respondent submits that they also preferred Civil Application (ST) No.2202 of 2014 for withdrawal of the amount.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

A) Operation and implementation of the impugned Judgment and award dt.18.1.2012, passed by M.A.C.T.Thane in MACP No.910 of 2008 is stayed till further orders.

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 further orders.

C) Civil Application (ST) No.2202 of 2014 preferred by the respondents claimants for withdrawal of amount will be decided on its own merits.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)