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

CIVIL APPLICATION NO.2405 OF 2012
IN
FIRST APPEAL NO.1195 OF 2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. D. R. Mahadik for the Applicant
Mr. T. J. Mendon for the Respondent.

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Not on board. Taken on board.

2. Heard. Office note shows that the Civil Application stood dismissed against Respondent No.2 by the Registrar (Judicial-II) vide order dated 17/01/2015.

3. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 28/03/2012 passed by the MACT, Raigarh at Alibaug in MACA No.588/2005. The learned counsel for the Applicant submits that as per order dated 25/08/2012 passed by this court, they deposited the 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 confirm the ad-interim order passed by this court on 25/08/2012 and same to be continued till hearing and final disposal of the appeal.

5. On the other hand, the learned counsel for the Respondent-claimant submits that they preferred Civil Application No.463/2015 for withdrawal of the amount.

6. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as the Applicant has deposited the entire decretal amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. The Civil Application No.463/2015 preferred by the Respondent-claimant will be decided on merits.

7. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 28/03/2012 passed by the MACT, Raigarh at Alibaug in MACA

No.588/2005 is stayed till hearing and final disposal of the appeal.

b. The Tribunal is directed to invest the entire decretal amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Civil Application No.463/2015 preferred by the Respondent-claimant will be decided on merits.

d. Civil application stands disposed off accordingly.

JUDGE