

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

**CIVIL APPLICATION NO.2771 OF 2014
IN
FIRST APPEAL (ST). NO.19107 OF 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.Atul Gatne for the applicant

Ms.Vrushali Maindad for the respondent nos.1 and 2

CORAM : K.K.TATED, J.
DATED : 07/08/2015

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 judgment and award dated 15.1.2014 passed by MACT, Pune in MACP No.630 of 2009 awarding sum of Rs.18,96,300/- with 8% interest p.a. by way of compensation.
- 3 The learned counsel for the applicant submits that as per order dated 14.8.2014 passed by this court, they already deposited entire awarded amount in the Tribunal. He submits that in the interest of Justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned order till the hearing and final disposal

of the First Appeal.

4 On the other hand, the learned counsel for the respondents claimants submits that they preferred Civil Application No.2228 of 2015 for withdrawal of the amount. Hence, there is no question of granting any stay in the Civil Application.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application and as respondents claimants preferred Civil Application No.2228 of 2014 for withdrawal of the amount, following order is passed:

(a) Operation and implementation of the judgment and award dated 15.1.2014 passed by MACT, Pune in MACP No.630 of 2009 is stayed till hearing and final disposal of the First Appeal.

(b) Tribunal is directed to invest the amount in fixed deposit of any nationalised bank initially for a period of one year and half year and same be continued till the hearing and final disposal of the First Appeal.

(c) Civil Application No.2228 of 2015 preferred by the claimants for withdrawal of amount will be decided on its own merits.

(d) The Registry of this Court is directed to transfer the sum of Rs.25000/- if any deposited by the Insurance Company at the time of filing of First

Appeal along with accrued interest to the Motor Accident Claims Tribunal, Pune in the account of M.A.C.P. No. 630 of 2009.

(e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)