

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

**CIVIL APPLICATION NO. 3166 OF 2012
IN
FIRST APPEAL (ST.) NO. 19543 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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Ms. Poonam Mittal i/b R. K. Cheulkar for the applicant.

Mr. T. J. Mendon for the respondent.

**CORAM : K. K. TATED, J.
DATED : 29/07/2015.**

P.C.:

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by Insurance Company for stay of operation and implementation of the impugned award dated 02.01.2012 passed by the Motor Accident Claims Tribunal, Thane in M.A.C.P. No. 480 of 2008 holding that respondents-claimants are entitled to compensation to the tune of Rs.10,70,800/- with 7% interest per annum.

3 The learned Counsel for the applicant submits that the respondents-claimants filed execution

application in which show cause notice has been issued to the appellant for attachment of their property. Hence, there is an urgency.

4 The learned Counsel for the insurance company submits that she received instructions from the insurance company that they are ready and willing to deposit entire awarded amount in Tribunal within four weeks from today. The statement is accepted.

5 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

6 Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

7 Hence, the following order.

a) The operation and implementation of impugned Award dated 02.01.2012 passed by the Motor Accident Claims Tribunal, Thane in M.A.C.P. No. 480 of 2008, is stayed on condition that applicant Insurance Company to deposit entire

awarded amount with interest in the Tribunal within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

b) If amount is not deposited within stipulated time as stated herein above, the respondents-claimants are entitled to execute the award according to law.

c) If amount is deposited within stipulated time as stated herein above, Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

d) The Tribunal is directed to invest the amount in Fixed deposits of any Nationalised Bank, initially for the period of one and half year and same to be continued till hearing and final disposal of the First Appeal.

e) The Registry of this Court is directed to transfer the amount of Rs.25,000/- with interest if any, which was deposited by the applicant at the time of filing of First Appeal, to the Tribunal in the account of M.A.C.P. No. 480 of 2008.

f) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)