

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

CIVIL APPLICATION NO.3922 OF 2014
IN
IN FIRST APPEAL (ST) NO.20020 OF 2014

IFFCO TOKIO General Insurance Co. Ltd. ... Applicant
V/s.
Praful Bharat Pardeshi & Anr. ... Respondents

Ms. Varsha Chavan, Advocate for the Applicant.
Mr. T.J. Mendon for Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JANUARY 30, 2015

PC.:

1. Heard learned counsel for the parties.
2. This application is preferred by Insurance Company for stay of the operation and implementation of Award dated 31st October, 2013 passed by Motor Accident Claim Tribunal, Mumbai in Application No.2696 of 2006 awarding compensation of Rs.18,63,680/- with 7.5% p.a. The learned counsel for the applicant submits that they already deposited entire decretal amount in Tribunal, pursuant to the Order passed by this Court on 21st November, 2014. The statement is accepted. She further submits that if the entire amount is withdrawn by the respondent/claimant, nothing will survive in the First Appeal. She submits that in the interest of justice, this Honourable Court be pleased to stay the operation and implementation of impugned award dated 31st October, 2013 passed by Motor Accident Claim Tribunal, Mumbai in Application No.2696 of 2006 till the hearing and final disposal of the First Appeal.

3. The learned counsel Mr. T.J. Mendon raised objection for stay. He further submits that they preferred Civil Application (ST) No.2195 of 2015 for withdrawal of the compensation amount. That application will be decided on its own merit.

4. Considering the submissions made by learned counsel for applicant and averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, I pass the following Order.

a) Operation and implementation of impugned award dated 31st October, 2013 passed by Motor Accident Claim Tribunal, Mumbai in Application No.2696 of 2006 is stayed till hearing and final disposal of First Appeal.

b) Civil Application (ST) No.2195/2015 preferred by Respondent/ Claimant will be decided on its own merit.

c) Civil Application stands disposed of accordingly.

JUDGE