

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

CIVIL APPLICATION NO.309 OF 2013
IN
FIRST APPEAL (ST) NO.25623 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. Rahul Mehta for the Applicant
Mr. Jayashree Gite i/b. A. B. Tajane for the Respondent No.1.

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

P.C.:

1. Heard. None for Respondent Nos.2 and 3 though duly served. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 26/03/2012 passed by the MACT, Nasik in MACA No.346/2008 holding that the Respondent-Claimant are entitled to Rs.2,68,500/- with 7% interest by way of compensation.

2. The learned counsel for the Applicant submits that they already deposited the entire decretal amount in the Tribunal with interest and costs. 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 till hearing and final disposal of the appeal.

3. The learned counsel for the Applicant submits that if the decretal amount is withdrawn by the Respondent-Claimant, nothing will survive in the present appeal. He submits that the Applicant has good chance of success in the matter.

4. 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, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 26/03/2012 passed by the MACT, Nasik in MACA No.346/2008 is stayed till hearing and final disposal of the First Appeal.

b. The Tribunal is directed to invest the amount in a fixed deposit account of any Nationalized

bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the amount, if they so desire, which will be decided on its own merits.

d. Civil Application stands disposed off accordingly.

JUDGE