

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

***CIVIL APPLICATION NO. 4100 OF 2014
IN
FIRST APPEAL (ST) NO. 25638 OF 2014***

The Municipal Corpn. Of Gr. Mumbai ... Applicant

v/s

Mr.Sandeep Madhukar Gijare & anr. ... Respondents

Mr.Madhukar Kalzunkar i/by Navdeep Vora & Associates for the applicant.

Mr.Sagar Sheth for respondent Nos.1 and 2.

CORAM: K.K.TATED, J.

DATED : 21 JANUARY 2015

PC.:

Heard learned counsel for parties.

2 This civil application is preferred by the original opposite party for stay of the operation and implementation of judgment and award dated 17 January 2014 passed by the Motor Accident Claim Tribunal, Mumbai, in Motor Accident Claim Application No.787 of 2006 directing the applicant to pay a sum of Rs.37,34,446/- with interest at the rate of 7.5% per annum to the respondent/original claimant. Learned counsel for the applicant submits that as per order dated 10 December 2014 passed by this

Court, they have already deposited the entire decretal amount in the Trial Court.

3 Liberty granted to the respondents/original claimants to prefer appropriate application if they so desire for withdrawal of the amount and that application be decided on its own merits.

4 Considering the submissions made by the applicant, averments made in the civil application and as the entire amount is deposited in the Tribunal, I am satisfied that the applicant has made out a case for allowing the civil application.

5 Civil application is allowed as under :-

(a) Operation and implementation of the impugned judgment and award dated 17 January 2014 passed by the Motor Accident claim Tribunal in Motor Accident Claim Application No.787 of 2006 is stayed till further orders.

(b) Liberty granted to the respondents/original claimants to prefer an appropriate application for withdrawal of the amount if they so desire and that application be decided on its own merits.

6 Civil application is allowed accordingly.

(*K.K.TATED, J.*)