

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

**CIVIL APPLICATION NO. 1445 OF 2015
IN
FIRST APPEAL (ST.) NO. 26221 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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Ms. Poonam Mittal for the applicant.

**CORAM : K. K. TATED, J.
DATED : 22/04/2015.**

PC.:

. Heard learned Counsel for the applicant.

2 This application is preferred by insurance company for stay of operation and implementation of the Judgment and Award dated 13.03.2014 passed by the Motor Accident Claims Tribunal, Mumbai below Ex-2 in Claim Application No. 370 of 2012 under Section 140 of M.V. Act directing insurance company as well as owner of the offending vehicle to pay jointly and severally an amount of Rs.25,000/- with 7% interest per annum to the claimant.

3 The learned Counsel for the applicant submits that they already deposited sum of Rs.25,000/- in the Tribunal on 11.03.2015. She submits that the respondent claimant filed execution application for recovery of the entire amount, hence, there is an

urgency.

4 The learned Counsel for the applicant submits that the Tribunal erred in coming to the conclusion that insurance company is liable to pay compensation of Rs.25,000/- with 7% interest to the respondent claimant on an application under Section 140 of M.V. Act. She submits that claimant has not placed on record the copy of FIR, any panchnama made by the police authority, medical certificates and disability certificate. She submits that it is doubtful whether the accident occurred or not. She submits that the Tribunal without considering all these issues passed an impugned order. She submits that they have good chance of success in the present matter, hence, during the pendency of the present First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of order dated 13.03.2013 passed by the Tribunal below Exh.2 in Claim Application no. 370 of 2012.

5 The learned Counsel for the applicant further submits that if stay is not granted, irreparable loss and injury will be caused to the applicant.

6 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.

7 The learned Counsel for the applicant submits

that she received instructions that insurance company is ready and willing to deposit the remaining amount in the Trial Court within four weeks from today. Statement is accepted.

8 Hence, the following order.

a) The operation and implementation of impugned Judgment and Award dated 13.03.2014 passed by the Motor Accident Claims Tribunal, Mumbai below Ex-2 in Claim Application No. 370 of 2012, is stayed till further orders on condition that applicant to deposit the entire awarded amount 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, respondent claimant is entitled to execute the order according to law.

c) If amount is deposited within stipulated time as stated herein above, respondent claimant is entitled to withdraw the entire amount alongwith interest on furnishing personal bond stating that as and when the Trial Court calls upon him to redeposit the amount that he will do so within stipulated time.

d) Civil Application is disposed of accordingly.

(K.K.TATED, J.)