

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

**CIVIL APPLICATION NO.4170 OF 2014
IN
FIRST APPEAL NO.71 OF 2015**

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.Madhukar Kulzunkar with Ms.Namita Mestry i/b M/s.Navdeep Vora and Associates for the applicant

Mr.Sagar Sheth for the respondent nos.1 and 2

CORAM : K.K.TATED, J.
DATED : 22nd JANUARY, 2015

PC:

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

2 This application is preferred by opposite party for stay of the operation and implementation of the judgment and award dated 3.5.2014 passed by MACT, Mumbai in Application No.2048 of 2005 by which the Tribunal held that the respondent claimants are entitled Rs.14,02,714 with 7.5% p.a. by way of compensation.

3 The learned counsel for the applicant submits that pursuant to order dated 11.12.2014 passed by this court, they already deposited entire decretal amount in the Tribunal.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Liberty granted to the respondent original claimant to prefer appropriate application if they so desire for withdrawal of the amount and that application will be decided on its own merits. Hence, following order:

a) Civil Application is allowed in terms of prayer clause (a) which read thus:

“(a) Pending the hearing and final disposal of this appeal, the impugned Judgment and order dated 03rd May, 2014 passed by the Motor Accident Claims Tribunal, at Mumbai in Motor Accident Claim Application No.2048 of 2005 directing the appellant undertaking to pay a sum of Rs.14,02,714/- with interest @ 7.5% p.a. be stayed.”

b) Tribunal is directed to invest the entire

amount in Fixed Deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

c) Liberty granted to the respondent claimants to prefer appropriate application if they so desire for withdrawal of the amount and that application will be decided on its own merits.

(K.K.TATED, J.)