

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.4079 OF 2014
IN
FIRST APPEAL NO.1391 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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Mr. D. R. Mahadik for the Applicant.
Mr. K. P. Shah for Respondent Nos.2 and 3.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 4, 2015

P.C.:

1. Mentioned. Not on board. At the request of learned counsel for the Applicant Insurance Co., the matter is taken on board for urgent orders. He submits that this court, by order dated 16/01/2015 granted ad-interim relief till today only.

2. This Application is preferred by the Applicant for stay of the operation and implementation of the impugned judgment and award dated 18/11/2013 passed by the MACT Thane in MACP No.937/2008. The learned counsel for the Applicant submits that they deposited sum of Rs.4,37,505/- in the Tribunal on 29/01/2015.

3. Considering the submissions made by the learned counsel for the Applicant and since the Applicant has deposited the decretal amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. At the same time, liberty granted to the Respondent to file an appropriate Application for withdrawal of the amount, which will be decided on its own merits. Hence, the following order:

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

(a) That pending the hearing and final disposal of the appeal, the operation and implementation of the judgment and award dated 18/11/2013 passed by the Member, MACT and District Judge – 10 Thane in MACT Application No.937/2008 be stayed.

B) The Tribunal is directed to invest the decretal 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 further orders.

C) Liberty granted to the Respondent to file an appropriate Application for withdrawal of the amount, which will be decided on its own merits.

D) Civil Application stands disposed off accordingly.

JUDGE