

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

**CIVIL APPLICATION NO.67 OF 2013
IN
FIRST APPEAL NO.69 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.S.R.Ganbavale i/b Mr.S.H.Yadav for the applicant

Mr.D.S.Mhaispurkar i/b Mr.A.R.Kapadnis for the respondent

CORAM : K.K.TATED, J.
DATED : 17/06/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for stay of the operation and implementation of the judgment and award dated 4.1.2012 passed by MACT, Karad in MACP No.191 of 2010 by which the Tribunal held that the respondents claimants are entitled sum of Rs.3,61,946/- with 6% p.a. by way of compensation.
- 3 The learned counsel for the applicant submits that pursuant to the order passed by this court on 12.4.2013, they deposited 50% amount in the Tribunal. He further submits that Civil Application

be allowed on condition to deposit remaining 50% amount in the Tribunal. It is noted that if stay is not granted, respondents claimants may recover the entire amount and in that case, nothing will survive in the present proceeding.

4 The learned counsel for the respondents claimants submits that they preferred Civil Application No.4349 of 2014 for withdrawal of the amount. That application be decided on its own merits.

5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order:

(A) Civil Application is allowed in terms of prayer clause (a) on condition that applicant to deposit remaining awarded amount in the Tribunal within 12 weeks from today, failing which Civil Application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus:

“(a) Pending the hearing and final disposal of the above said Appeal, this Hon'ble Court be pleased to stay the effect, operation, implementation and execution of the impugned judgment and award dated

4.1.2012 passed by the Ld.Motor Accident Claims Tribunal, Karad, Dist.Satara in M.A.C.P. No.191 of 2010.”

(B) Civil Application No.4349 of 2014 preferred by defendants for withdrawal of amount be decided on its own merits.

(C) If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to invest the 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.

(D) Civil Application is disposed of accordingly.

(K.K.TATED, J.)