

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

CIVIL APPLICATION NO.4078 OF 2014

IN

FIRST APPEAL (ST). NO.31379 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

CORAM : K.K.TATED, J.

DATED : 11/02/2015

PC:

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

2 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 21.4.2014 passed by MACT, Mumbai in Application No.450 of 2010 holding that the respondents claimants are entitled compensation of Rs.13,29,000/- with 7.5% interest.

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

4 Statement is accepted.

5 Considering the statement made by the learned counsel for the applicant and as entire amount is deposited in the Tribunal, I am satisfied that the applicant has made out a case for allowing Civil Application. As the order is passed when no one appeared on behalf of the respondents claimants, they are entitled to make appropriate application for withdrawal of the amount and that application be decided on its own merits. Hence, following order:

a) Operation and implementation of the impugned judgment and award dated 21.4.2014 passed by MACT, Mumbai in Application No.450 of 2010 is stayed.

d) Tribunal is directed to invest remaining 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.

e) Liberty granted to the respondents claimants to move their application for withdrawal of amount and that application will be decided on its own merits.

f) Civil Application is disposed of accordingly.

(K.K.TATED, J.)