

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.
CIVIL APPLICATION NO.406 OF 2014
IN
FIRST APPEAL (ST) NO.33673 OF 2013

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. Nihil Mehta i/b. KMC Legal Venture for the Applicant

Mr. T. J. Mendon for the Respondent Nos.1.

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Heard. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 10/07/2013 passed by the MACT, Mangaon in MACP No.1215/2008 directing the Insurance Co. to pay sum of Rs.5,77,000/- with 7.5% p.a. interest by way of compensation in favour of the Respondent-claimant.

2. The learned counsel for the Applicant submits that they have already deposited the entire decretal amount in the Tribunal. He further submits that they filed the present appeal challenging the impugned judgment and award only to the extent of Rs.3,15,000/-. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the impugned judgment and award

to the extent of Rs.3,15,000/-.

3. 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.

4. Hence, the following order:

a) The operation and implementation of the impugned judgment and award dated 10/07/2013 passed by the MACT, Mangaon in MACP No.1215/2008 is stayed to the extent of Rs.3,15,000/-.

b) The Tribunal is directed to invest amount Rs.3,15,000/- 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 hearing and final disposal of the appeal.

c) The Respondent-Claimant is permitted to withdraw the remaining amount without furnishing any security.

d) Liberty granted to the Respondent - claimant to file an appropriate Application for withdrawal of the remaining amount, without any security, if they so desire, which will be decided on its own merits.

e) Civil Application stands disposed off accordingly.

JUDGE