

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

**CIVIL APPLICATION NO.2566 OF 2014
IN
FIRST APPEAL (ST) NO.33682 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
---	----------------------------

Mr.Rahul Mehta i/b M/s.KMC Legal Venture
for the applicant

Mr.Jitendra Gaikwad for the respondent nos.1
to 3

CORAM : K.K.TATED, J.
DATED : 05/03/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by Insurance Company for stay of the operation and implementation of the judgment and award dated 16.3.2013 passed by MACT, Baramati in MACP No.56 of 2011.
- 3 The learned counsel for the applicant makes a statement that as per order dated 01.08.2014 passed by this court, they already deposited entire decretal amount in the Tribunal.
- 4 Statement is accepted.
- 5 He further submits that if amount is

withdrawn by the respondents claimants, nothing will survive in the present proceeding. He further submits that in the interest of justice, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by the Tribunal.

6 On the other hand, the learned counsel for the respondents claimants vehemently opposed the present Civil Application. He further submits that the claimants preferred Civil Application No.845 of 2015 for withdrawal of the amount. He submits that the said application be decided on its own merits.

7 Considering the submissions 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. Hence, following order is passed:

a) Operation and implementation of the impugned judgment and award dated 16.3.2013 passed by MACT at Baramati in MACP No.56 of 2011 is stayed till the hearing and final disposal of the First Appeal.

b) Tribunal is directed to invest 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 First Appeal.

c) The Registry of this Court is directed to transfer the sum of Rs.25000/- if any deposited by the Insurance Company at the time of filing of First Appeal along with accrued interest to the Motor Accident Claims Tribunal, Baramati in the account of M.A.C.P. No. 56 of 2011.

d) Civil Application No.845 of 2015 preferred by respondents claimants will be heard on its own merits.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)