

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2870/2015
IN
FIRST APPEAL (ST) NO. 31701/2014

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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Mrs. Varsha Chavan for the Applicant
Mr. Vaibhav Gaikwad for the Respondent No.1.

CORAM : K. K. TATED, J.
DATE : JANUARY 12, 2016

P.C.:

1. Heard. None for Respondent No.2 though duly served.

2. This Application is made by the Insurance Company for stay of the operation and implementation of the impugned award dated 16/05/2014 passed by the MACT Satara in MACP No.335/2008 awarding sum of Rs.8,66,958/- with 6% p.a. interest by way of compensation.

3. The learned counsel for the Applicant submits that as per order dated 13/10/2015 passed by this court they already deposited the entire awarded amount with interest in the Tribunal. To

that effect, there is an endorsement on farad. The learned counsel for the Applicant submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings. He submits that the Applicant has good chance of success in the matter. If stay is not granted irreparable loss and injury will be caused to the Applicant. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by the Tribunal till hearing and final disposal of the appeal.

4. On the other hand, the learned counsel for the Respondent No.1 submits that they preferred Civil Application No.751/2016 for withdrawal of the amount, which will be decided on merits.

5. Considering the submissions made by the learned counsel for the Applicant and as the Applicant has already deposited the awarded amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

6. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 16/05/2014 passed by the MACT Satara in MACP No.335/2008 is stayed, till hearing and final disposal of the appeal.

b. The Tribunal is directed to invest the award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be transferred to the Tribunal.

d. The Civil Application No.751/2016 filed by the claimant for withdrawal of the amount will be decided on merits.

e. Civil application stands disposed off accordingly.

JUDGE