

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

**CIVIL APPLICATION NO.4290 OF 2014
IN
FIRST APPEAL (ST) NO.32938 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.A.J.Gondwal i/b Mr.S.S.Dwivedi for the applicant

Mr.PS.Gole for the respondent nos.1 to 3

CORAM : K.K.TATED, J.
DATED : 11/01/2016

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 impugned judgment and award dated 2.5.2014 passed by the MACT, Satara in MACP No.477 of 2010 by which the Tribunal awarded sum of Rs.14,94,170/- with interest @ 9% p.a. to the respondent claimant.
- 3 The learned counsel for the applicant submits that as per order dated 18.12.2014 passed by this court, they already deposited entire awarded amount in the Tribunal. Statement is accepted.

4 The learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award till the hearing and final disposal of the First Appeal. He submits that they have good chance of success in the present First Appeal. He submits that if entire amount is withdrawn by the respondent claimant, nothing will survive in the present proceeding.

5 On the other hand, the learned counsel for the respondent claimant submits that they preferred Civil Application (ST) No.349 of 2016 for withdrawal of the amount. That application be decided on its own merits.

6 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 following order :

A) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) Pending the hearing and final disposal of this present Appeal, the execution, operation of the judgment and award dated 2.5.2014 passed by the Learned Motor Accident Claims Tribunal, Satara in M.A.C.P. No.477 of 2010 be stayed in the interest of justice.”

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 the First Appeal.

C) Civil Application (ST) No.349 of 2016 preferred by respondents claimants for withdrawal of amount be decided on its own merits.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)