

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

**CIVIL APPLICATION NO.937 OF 2015
IN
FIRST APPEAL (ST) NO.14354 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.S.M.Dange for the applicant

Mr.Yuvraj Narvankar for the respondent nos.1 to 5

CORAM : K.K.TATED, J.
DATED : 06/01/2016

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 3.12.2013 passed by MACT, Satara in MACP No.197 of 2010 by which the Tribunal awarded sum of Rs.23,80,000/- with 7% interest p.a. by way of compensation to the respondent claimant.
- 3 The learned counsel for the applicant submits that they have good chance of success in the present proceeding. 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 during the pendency of the First Appeal. He submits that if stay is not granted irreparable loss and injury will be caused to them.

4 On the other hand, the learned counsel for the respondent vehemently opposed the present Civil Application. He submits that this being a money decree applicant Insurance Company be directed to deposit entire amount with interest and cost if any in the Tribunal.

5 Considering the submissions made by the learned counsel for the Applicant and after going through the impugned judgment and award passed by the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) The operation and implementation of the impugned judgment and award dated 3.12.2013 passed by MACT, Satara in MACP No.197 of 2010 is stayed till the hearing and final disposal of the First Appeal on condition that applicant Insurance Company to deposit entire awarded amount including interest and cost in the Tribunal within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court.

b) If amount is not deposited within stipulated

time as stated hereinabove, respondent claimant is entitled to execute award if he so desires according to law.

c) If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to invest said amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till further orders.

d) Liberty granted to the respondent claimant to prefer appropriate application if he so desires for withdrawal of further amount and that application be decided on its own merits.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)