

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

CIVIL APPLICATION NO.697/2015

IN

FIRST APPEAL (ST) NO. 6082/2014

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

Mr. D. R. Mahadik for the Applicant

Mr. C. M. Lokesh for Respondent No.1.

CORAM : K. K. TATED, J.

DATE : JANUARY 15, 2016

P.C.:

1. Heard. This Application is made by the Insurance Co. for stay of the operation and implementation of the impugned award dated 08/07/2013 passed by the MACT, Mangaon, Dist. Raigad in MACP No.1275/2008 by which the Tribunal awarded amount of Rs.1,50,000/- towards compensation with 7.5% p.a. interest from the date of filing of the petition till realization.

2. The learned counsel for the Applicant submits that he received instructions from the Insurance Co. that they are ready and willing to deposit the entire awarded amount in the Tribunal within 6 weeks from today. Statement is accepted.

3. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am of the opinion that it is necessary to grant stay to the impugned award because, if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings.

4. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 08/07/2013 passed by the MACT, Mangaon, Dist. Raigad in MACP No.1275/2008 is stayed, till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 6 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondent-claimants are entitled to execute the award as per law.

c. The Tribunal is directed to invest the remaining 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.

d. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

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

f. Civil application stands disposed off accordingly.

JUDGE