

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

**CIVIL APPLICATION NO.2920 OF 2014
IN
FIRST APPEAL NO.1049 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.I.M. Khairdi for the applicant

**CORAM : K. K. TATED, J.
DATED : 12/02/2016**

PC.:

. Heard.

2 This application is preferred by owner of offending vehicle for stay of the operation and implementation of the impugned judgment and award dated 19.12.2013 passed by MACT, Solapur in MACP No.142 of 2007 holding that the claimants are entitled sum of Rs.2,27,000/- with 7% interest p.a. by way of compensation.

3 The learned counsel for the applicant submits that the Tribunal erred in coming to the conclusion that the applicant is liable to pay compensation to the org.claimant though org.claimant failed to prove that they were dependent on the earnings of the deceased. He submits that they have good chance of success in the present matter. He 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. He submits that if stay is not granted, nothing will survive in the present proceeding.

4 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, and as this being a money decree, they have to deposit entire amount. The learned counsel for the applicant submits that this Hon'ble Court be pleased to grant 12 weeks time to deposit entire amount. Same is granted. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 19.12.2013 passed by MACT, Solapur in MACP No.142 of 2007 is stayed, till hearing and final disposal of the appeal on condition that the Appellant to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 12 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. If the entire awarded amount is deposited within

stipulated time as stated hereinabove, the Tribunal is directed to invest the 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 make an appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits

e. Civil application stands disposed off accordingly.

(K.K.TATED, J.)