

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

**CIVIL APPLICATION NO. 1414 OF 2012
IN
FIRST APPEAL NO. 652 OF 2012**

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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Ms. Yogita Deshmukh i/b M.M.Sathaye for the applicant.

None for the respondent.

CORAM : K. K. TATED, J.

DATED : 02/03/2016

PC.:

. Heard learned Counsel for the applicant.

2 Though, the respondents are duly served, no one appeared on behalf of them when the matter called out.

3 This application is preferred by Insurance Company for stay of operation and implementation of the impugned judgment and award dated 17.01.2012 passed by M.A.C.T. Thane in M.A.C.P. No. 308 of 2008, holding that the respondents-claimants are entitled to Rs.4,11,691/- with 7% interest by way of compensation.

4 The learned counsel for the applicant submits that as per order passed by this Court, they already deposited entire awarded amount in Tribunal.

Statement is accepted.

5 The learned counsel for the applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of judgment and award passed by the Tribunal. He submits that if entire amount is withdrawn by the Respondents-claimants, then it will be very difficult for them to recover the said amount from the claimants, if they succeed before this court.

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

7 Hence, the following order:

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

“a) That pending hearing and final disposal of the present First Appeal, the effect, operation, implementation and execution of the impugned judgment and award dated 17/1/2012 passed by Ld.Member M.A.C.T. Thane in M.A.C.P. No. 308/08 and disbursal of amount there under, be kindly stayed.”

b) The Tribunal is directed to invest the entire awarded amount, if it is not invested, 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) Civil Application No. 3376 of 2011 preferred by claimant shall be decided on its own merits.

d) Civil application stands disposed off accordingly.

(K.K.TATED, J.)