

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

**CIVIL APPLICATION NO.4081 OF 2014
IN
FIRST APPEAL (ST) NO.13524 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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Ms.Yogita Deshmukh i/b Mr.M.M.Sathaye for the applicant

Mr.Agasti A. Vibhute for the respondent no.5

Mr.Yuvraj P. Narvankar for the respondent nos.1 to 3

CORAM : K.K.TATED, J.
DATED : 14/01/2016

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 15.6.2013 passed by MACT, Pune in MACP No.1071 of 2008 holding that the respondent claimants are entitled a sum of Rs.14,40,715/- with interest @ 9% p.a. by way of compensation.
- 3 The learned counsel for the applicant submits that as per order dated 3.12.2014 passed by this

court, they already deposited entire awarded amount including interest and cost 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 passed by Tribunal. She submits that if entire amount is recovered by the respondent claimant by preferring Execution Application, nothing will survive in the present proceeding.

5 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

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 15/6/13 passed by the Chairman, Motor Accident Claims Tribunal, Pune, in Motor Accident Claims Petition No.1071 of 2008, and disbursal of amount there under, be kindly stayed;”

B) Tribunal is directed to invest the 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) Liberty granted to the respondent claimant to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)