

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

CIVIL APPLICATION NO.2935/2014
IN
FIRST APPEAL NO. 1055/2014

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. Baldev Bhalwal i/b. Samir Vaidya for the Applicant

Mr. T. J. Mendon for the Respondent Nos.1 to 5.

CORAM : K. K. TATED, J.

DATE : JANUARY 7, 2016

P.C.:

1. Heard. This Application is preferred by the original opponent for stay of the operation and implementation of the impugned award dated 12/07/2013 passed by the MACT, Mumbai in Application No.2221/2010 holding that the Appellant is liable to pay sum of Rs.2,90,000/- with 7.5% p.a. interest by way of compensation to the Respondent-Claimant.

2. The learned counsel for the Applicant submits that as per order dated 24/09/2014 passed by this court, they already deposited the entire amount of Rs.3,47,348/- in the Trial Court on 20/10/2014. Statement is accepted.

3. The learned counsel for the Applicant submits that though the Applicant's vehicle was not involved in the accident, the Tribunal directed the Applicant to pay compensation to the Respondent-Claimant. He submits that the Applicant has good chance of success in the matter. If stay is not granted irreparable loss and injury will be caused to the Applicant. He submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings. 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 passed by the Tribunal till hearing and final disposal of the appeal.

4. On the other hand, the learned counsel for the Respondent-Claimant vehemently opposed the present Civil Application. He submits that if blanket stay is granted in favour of the Applicant, irreparable loss will cause to the claimant. Though the accident occurred on 19/09/2010, till today, not single pie is received by the claimant. He submits that the Respondent-Claimant be permitted to take out appropriate Application for withdrawal of the amount.

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

6. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 12/07/2013 passed by the MACT, Mumbai in Application No.2221/2010 is stayed, till hearing and final disposal of the appeal.

b. The Tribunal is directed to invest the entire awarded 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.

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

d. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be transferred to the Tribunal in the account of claim Application No.2221/2010.

e. Civil application stands disposed off accordingly.

JUDGE