

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

**CIVIL APPLICATION NO. 2929 OF 2013
IN
FIRST APPEAL NO. 1377 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. S.S. Vidyarthi i/b S. M. Vidyarthi for the applicant.

None for the respondents.

CORAM : K. K. TATED, J.

DATED : 05/01/2016

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 Judgment and Award dated 06.10.2012 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 2949 of 2000 by which the Tribunal awarded sum of Rs.2,35,410/- by way of compensation with 7.5% interest to the respondents-claimants.

4 The learned Counsel for the applicant submits that as per Order dated 07.08.2013, they deposited

entire amount in the Tribunal. Statement is accepted.

5 The learned Counsel for the applicant submits that during the pendency of the present First Appeal, this Hon'ble Court be pleased to stay operation and implementation of the impugned Judgment and Award. He submits that applicants have good chance of success in the present proceedings. He submits that 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 He submits that if entire amount is withdrawn by the respondents-claimants, it will be very difficult for them to recover the same, if they succeed before this Court.

6 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the civil application.

7 Hence, following order:

a) The operation and implementation of Judgment and Award dated 06.10.2012 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 2949 of 2000, is stayed till the hearing and final disposal of the First Appeal.

b) Office of the the Motor Accident Claims Tribunal, Mumbai is directed to invest the entire amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be

continued till further orders.

c) Liberty granted to the respondents claimants to take out appropriate application, if they so desire, for withdrawal of the amount and that application will be decided on its own merits.

d) The Registry of this Court is directed to transfer the amount of Rs.25,000/- with interest if any, which was deposited by the applicant at the time of filing of First Appeal, to the Tribunal in the account of M.A.C.P No. 2949 of 2000.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)