

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

**CIVIL APPLICATION NO. 1040 OF 2015
IN
FIRST APPEAL (ST.) NO. 17979 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. Poonam Mital for the applicant.

**CORAM : K. K. TATED, J.
DATED : 08/01/2016**

PC.:

. Heard learned Counsel for the applicant.

2 This civil application is preferred by Insurance Company for stay of operation and implementation of the Judgment and Award dated 22.10.2013 passed by the Motor Accident Claims Tribunal, Mumbai in claim Application No. 915 of 2006 by which the Tribunal has awarded a sum of Rs.1,46,395/- with interest @ 7.5% per annum from the date of filing of application till the realisation of amount to the respondents-claimants.

3 The learned Counsel for the applicant submits that in the present proceeding, the cheque issued by the owner of the vehicle for payment of insurance premium was dishonoured. Hence, they intimated immediately to the RTO about the same. They also

informed RTO that insurance policy issued in favour of owner of the vehicle stands cancelled. She submits that inspite of these facts, the Tribunal held that the Insurance Company is also liable to pay compensation.

4 The learned Counsel for the applicant submits that they have good chance of success in the present matter. She submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of impugned Judgment and Award passed by the Tribunal till the hearing and final disposal of the First Appeal.

5 The learned Counsel for the insurance company submits that she received instructions from the insurance company that they are ready and willing to deposit entire awarded amount in Tribunal within four weeks from today. The statement is accepted.

6 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as the Insurance Company is ready and willing to deposit the entire awarded amount with interest in the Tribunal within four weeks from today, I am satisfied that applicant has made out the case for following order.

a) Operation and implementation of the impugned Judgment and Award dated 22.10.2013 passed by

the Motor Accident Claims Tribunal, Mumbai in Claim Application No. 915 of 2006, is stayed till the hearing and final disposal of the First Appeal on condition that Applicant to deposit the entire awarded amount including interest and cost in the Tribunal within 4 weeks from today, failing which civil application shall stand dismissed without referring back to the court.

b) If amount is not deposited within stipulated time as stated herein above, the respondents-claimants are free to execute the Award according to law.

c) If amount is deposited within stipulated time as stated herein above, the Tribunal is directed to invest the said amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

d) 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.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)