

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

**CIVIL APPLICATION NO. 3192 OF 2012
IN
FIRST APPEAL (ST.) NO. 23168 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. Poonam Mittal for the applicant.

Mr. T. J. Mendon for the respondents.

CORAM : K. K. TATED, J.

DATED : 08/01/2016

P.C.:

. Heard learned Counsel for the parties.

2 This civil application is preferred by Insurance for stay of operation and implementation of the Judgment and Award dated 07.01.2012 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 2791 of 2005 by which the Tribunal held that Insurance Company liable to pay sum of Rs.6,85,000/- with interest @ 7.5% per annum.

3 The learned Counsel for the applicant submits that earlier order passed by this Court, they already deposited the entire awarded amount with interest in the Tribunal. The 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 impugned Judgment and Award passed by the Tribunal till the hearing and final disposal of the First Appeal. She submits that if the entire amount is withdrawn by the respondents-claimants, nothing will survive in the present First Appeal.

5 The learned Counsel for the respondents-claimants submits that they preferred Civil Application No. 3185 of 2015 for withdrawal of amount.

6 Considering the submissions made by learned counsel for the Insurance Company 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) Operation and implementation of the impugned Judgment and Award dated 07.01.2012 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 2791 of 2005 is stayed till the hearing and final disposal of the First Appeal.

b) The Tribunal 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 hearing and final disposal of the First Appeal.

c) 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 Application No. 3191 of 2012.

d) Civil Application No. 3185 of 2015 preferred by respondents-claimants be decided on its own merits.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)