

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

**CIVIL APPLICATION NO. 4123 OF 2014
IN
FIRST APPEAL (ST) NO. 24026 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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Mrs. S.S. Dwivedi for the applicant.

Mr. Samrat Shinde i/b T.D. Deshmukh for the respondent Nos. 1 and 3.

CORAM : K. K. TATED, J.

DATED : 18/01/2016

PC.:

. Heard learned Counsel for the parties.

2 The Advocate appearing on behalf of applicant makes a statement that they deposited the entire awarded amount in the Tribunal. The statement is accepted.

3 The learned Counsel for the applicant submits that pending the hearing the final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of impugned Judgment and Award dated 04.12.2013 passed by the the Motor Accident Claims Tribunal, Pune in M.A.C.P. No. 340 of 2008 by which the Tribunal held that respondents-claimants are entitled to compensation of Rs.18,25,000/- with interest @ 9%

per annum. She submits that if entire amount is withdrawn by the respondents-claimants, nothing will survive in the present proceeding.

4 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.

5 Hence, following order.

i) Civil application is allowed in terms of prayer clause (a), which reads thus:

“a) Pending the hearing and final disposal of this present Appeal the execution, operation of the Judgment and Award dated 04.12.2013 passed by the Learned Motor Accident Claims Tribunal Pune in M.A.C.P No. 340 of 2008 be stayed in the interest of justice.”

ii) 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.

iii) 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.

iv) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)