

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.4130 OF 2014
IN
FIRST APPEAL NO.1430 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.M.Dange for the applicant

Mr.Balasaheb Deshmukh for the respondent
no.1

**CORAM : K.K.TATED, J.
DATED : 06/01/2016**

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is for stay of operation and implementation of the impugned judgment and award dated 29.3.2014 passed by MACT, Pune in MACP No.437 of 2012.
- 3 The learned counsel for the Insurance Company submits that they already deposited entire awarded amount along with interest and cost in the Tribunal i.e.Rs.34,57,907/- on 19.1.2015. He submits that in the present proceeding they challenged the impugned judgment and award passed by the Tribunal to the

extent of Rs.8,62,512/- and interest thereon. 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 to the extent of Rs.8,62,512/- and interest thereon. He submits that if stay is not granted, irreparable loss and injury will be caused to them.

4 On the other hand, the learned counsel for the respondent submits that they also preferred Civil Application No.1430 of 2014 for withdrawal of the amount. Hence, same be decided on its merits.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

a) The operation and implementation of the impugned judgment and award dated 29.3.2014 passed by MACT, Mumbai in MACP No.437 of 2012 is stayed to the extent of Rs.8,62,512/- with accrued interest.

b) Tribunal is directed to invest the amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

- c) Civil Application No.4130 of 2014 preferred by claimant for withdrawal of the amount will be decided on its own merits.
- d) The Registry of this Court is directed to transfer the sum of Rs.25000/- if any deposited by the Insurance Company at the time of filing of First Appeal along with accrued interest to the Motor Accident Claims Tribunal, Mumbai in the account of M.A.C.P. No. 437 of 2012.
- e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)