

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

CIVIL APPLICATION NO.993/2015
IN
FIRST APPEAL (ST) NO. 28084/2014

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. D. R. Mahadik for the Applicant

CORAM : K. K. TATED, J.
DATE : JANUARY 15, 2016

P.C.:

1. Heard. This Application is made by the Insurance Co. for stay of the operation and implementation of the impugned award dated 07/10/2013 passed by the MACT Mumbai in MACP No.129/2007 awarding compensation of Rs.55000/-.

2. The learned counsel for the Applicant Insurance Co. makes a statement that he received instructions from the Insurance Co. that they are ready and willing to deposit the entire awarded amount in the Tribunal within 6 weeks from today. Statement is accepted.

3. The learned counsel for the Applicant submits that the Applicant has good chance of success in the matter. 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 He submits that if entire amount is withdrawn by the Respondent-Claimant, nothing will survive in the present proceedings. 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 till hearing and final disposal of the appeal.

4. Considering the submissions made by the learned counsel for the Applicant and as the Applicant is ready and willing to deposit the entire awarded amount, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. Hence, the following order:

a. The operation and implementation of the impugned judgment and award is stayed, till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Tribunal within 6 weeks from

today, failing which the Civil Application shall stand dismissed without further reference to the court.

b. If the entire awarded amount is not deposited within stipulated time as stated hereinabove, the Respondent-claimants are entitled to execute the award as per law.

c. If the entire awarded amount is deposited within stipulated time as stated hereinabove, the Respondent-claimants are entitled to withdraw 50% of awarded amount without furnishing any security subject to outcome of the appeal.

d. The Tribunal is directed to invest the remaining award amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the respective appeal.

e. Liberty granted to the claimants to prefer an appropriate Application/s for withdrawal of further amount, if they so desire, which will be decided on its own merits

f. The statutory deposit, if any, made by the Applicant at the time of filing the First Appeal be transferred to the Tribunal.

g. Civil application stands disposed off accordingly.

JUDGE