

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

**CIVIL APPLICATION NO.4230 OF 2012
IN
FIRST APPEAL (ST) NO.29133 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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Mr.Rahul Mehta i/b M/s.KMC Legal Venture
for the applicant

Ms.Priti Rajan Gupta i/b Mr.Deepak
Deshmukh for the respondent no.1

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

PC:

- 1 Not on board. At the request of Advocate for the applicant, matter is taken on board for orders.
- 2 Heard the learned counsel for the parties.
- 3 This application is for stay of operation and implementation of the impugned judgment and award dated 3.5.2012 passed by MACT, Mumbai in Application No.2700 of 2003.
- 4 The learned counsel for the applicant Insurance Company makes a statement that they already deposited entire decretal amount along with interest in the Tribunal. Statement is accepted.

5 The learned counsel for the respondent claimant submits that she preferred Civil Application No.1821 of 2014 for withdrawal of the amount.

6 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 3.5.2012 passed by MACT, Mumbai in MACP No.2700 of 2003 is stayed till the hearing and final disposal of the First Appeal.

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.1821 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. 2700 of 2003.

e) Civil application stands disposed off accordingly.

(K.K.TATED, J.)