

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

**CIVIL APPLICATION NO. 4088 OF 2014
IN
FIRST APPEAL (ST.) NO. 28472 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. H. G. Misar for the applicant.
None for the Respondents.

**CORAM : K. K. TATED, J.
DATED : 13/01/2016**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 Though the respondents are duly served, no one appeared on behalf of them, when the matter called out.
- 3 This civil application is preferred by Insurance Company for stay of operation and implementation of the Judgment and Award dated 28.02.2014 passed by the Motor Accident Claims Tribunal, Nashik in M.A.C.P. No. 983 of 2009 by which the Tribunal held that the respondents-claimants are entitled to sum of Rs.1,57,140/- with 6% interest per annum by way of compensation.
- 4 The learned Counsel for the Applicant Insurance Company submits that as per Order dated

20.11.2014 passed by this Court, they deposited the entire awarded amount along with interest in the Tribunal. Statement is accepted.

5 The learned Counsel for the Applicant submits that they have good chance of success in the present matter. He 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. He further submits that if present Civil Application is not allowed, irreparable loss and injury will be caused to the applicant.

6 Considering the submissions made by learned counsel for the applicant and as the entire awarded amount is deposited by the applicant Insurance Company in the Tribunal, 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 28.02.2014 passed by the Motor Accident Claims Tribunal, Nashik in M.A.C.P. No. 983 of 2009, 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) 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.

d) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)