

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

**CIVIL APPLICATION NO.2042 OF 2015
IN
FIRST APPEAL (ST) NO.28776 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.Devendranath S. Joshi for the applicant

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

PC:

- 1 Heard the learned counsel for the applicant.
- 2 This application is preferred by Insurance Company for stay of the order dated 17.4.2014 passed by MACT, Mumbai below Exhibit '2' in Application No.312 of 2012 directing applicant to deposit compensation of Rs.25,000/- with 9% interest p.a. in the Tribunal.
- 3 The learned counsel for the applicant submits that he received instruction from the Insurance Company that they are ready and willing to deposit entire amount in the Tribunal within four weeks from today. Statement is accepted.
- 4 Considering the submissions made by the learned counsel for the applicant and the averments made in Civil Application, I am satisfied

that the applicant has made out a case for allowing Civil Application. Hence, following order is passed:

a) The operation and implementation of the impugned judgment and award dated 17.4.2014 passed by MACT, Mumbai below Exhibit '2' in Application No.312 of 2012 is stayed till the hearing and final disposal of the First Appeal on the condition that applicant Insurance Company to deposit entire awarded amount in the Tribunal within four weeks from today, failing which Civil Application shall stand dismissed.

b) If amount is not deposited within stipulated time as stated hereinabove, respondent claimant is entitled to execute award if he so desires according to law.

c) If amount is deposited within stipulated time as stated hereinabove, respondent claimant Essa Kayyumuddin Sayyed is entitled to withdraw 30% amount without furnishing any security but subject to outcome of the First Appeal.

d) Tribunal is directed to invest remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till further orders.

e) Liberty granted to the respondent claimant to prefer appropriate application if he so desires for withdrawal of further amount and that application

be decided on its own merits.

f) Civil application stands disposed off accordingly.

(K.K.TATED, J.)