

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

**CIVIL APPLICATION NO.4084 OF 2014
IN
FIRST APPEAL (ST) NO.30396 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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Ms.Yogita Deshmukh for the applicant

CORAM : K.K.TATED, J.
DATED : 14/01/2016

PC:

- 1 Heard the learned counsel for the applicant and respondent no.1.
- 2 Though respondent no.2 is duly served, no one appeared on behalf of them when the matter was called out.
- 3 This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 4.7.2010 passed by MACT, Nashik in MACP No.633 of 2010 holding that the respondents claimants are entitled a sum of Rs.1,30,074/- with interest @ 9% p.a. by way of compensation.
- 4 The learned counsel for the applicant submits

that as per order dated 3.12.2014 passed by this court, they already deposited entire awarded amount including interest and cost in the Tribunal. Statement is accepted.

5 The learned counsel for the applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned award passed by Tribunal. She submits that if entire amount is withdrawn by the respondent claimant, nothing will survive in the present proceeding.

6 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) Civil Application is allowed in terms of prayer clause (a) which reads thus:

“(a) That pending hearing and final disposal of the presentt First Appeal, the effect, operation, implementation and execution of the impugned judgment and award dated 4.7.2014 passed by Member, Motor Accident Claim Tribunal, Nashik in Motor Accident Claim Petition No.635 of 2010 and disbursal of amount there under, be kindly stayed.”

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) Liberty granted to the respondent claimant to prefer appropriate application if they so desire for withdrawal of amount and that application be decided on its own merits.

D) Civil application stands disposed off accordingly.

(K.K.TATED, J.)