

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

**CIVIL APPLICATION NO.3981 OF 2014
IN
FIRST APPEAL (ST). NO.30876 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.Nikhil Mehta i/b M/s.KMC Legal Venture for the applicant

None for the respondent

**CORAM : K. K. TATED, J.
DATED : 12/02/2016**

PC.:

. Heard.

2 Though respondent no.1 is duly served no one appeared on behalf of him 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 17.7.2014 passed by MACT, Raigad, Alibag in MACP No.401 of 2011 by which the Tribunal held that the respondent claimant are entitled sum of Rs.16,24,104/- with 7.5% interest p.a. by way of compensation.

4 The learned counsel for the applicant submits

that as per order dated 26.11.2014 passed by this court they deposited entire awarded amount in the Tribunal.

5 Statement is accepted.

6 The learned counsel for the applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by Tribunal. He submits that if entire amount is withdrawn by the respondents/claimants then nothing will survive in the present proceeding.

7 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as applicant deposited entire awarded amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

8 At the same time, liberty granted to the claimants to make an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits. Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 17.7.2014 passed by MACT, Raigad, Alibag in MACP No.401 of 2011 is stayed till the hearing and final disposal of First Appeal.

- b. The Tribunal is directed to invest the entire awarded 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 appeal.
- c. Liberty granted to the claimants to make an appropriate Application for withdrawal of awarded amount, if they so desire, which will be decided on its own merits
- d. Civil application stands disposed off accordingly.

(K.K.TATED, J.)