

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

**CIVIL APPLICATION NO. 2873 OF 2015
IN
FIRST APPEAL (ST.) NO. 31706 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. Varsha Chavan for the applicant.

**CORAM : K. K. TATED, J.
DATED : 08/01/2016**

PC.:

. Heard learned Counsel for the applicant.

2 This civil application is preferred by Insurance Company for stay of operation and implementation of the Judgment and Award dated 16.05.2014 passed by the Motor Accident Claims Tribunal, Satara in M.A.C.P. No. 200 of 2010 holding that respondent-claimant is entitled to Rs.75,000/- with interest @ 6% per annum by way of compensation.

3 The learned Counsel for the Insurance Company submits that as per order dated 09.10.2015 passed by this court, they already deposited the entire awarded amount with interest in the Tribunal. The statement is accepted.

4 The learned Counsel for the applicant submits that in the present proceeding, the owner of the

vehicle issued cheque of the insurance premium was dishonoured. Hence, there is no question of Insurance Company to pay compensation to the Respondent-Claimants.

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

6 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for allowing the Civil Application.

7 Hence, the following order.

a) Operation and implementation of the impugned Judgment and Award dated 16.05.2014 passed by the Motor Accident Claims Tribunal, Satara in M.A.C.P. No. 200 of 2010, is stayed in favour of Applicant/Insurance Company, 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) The respondent-claimant is free to execute the Judgment and Decree against the original respondent nos. 1 and 2, if he so desire, according to law.

d) Liberty granted to the respondent claimant to take out appropriate application, if he so desire, for withdrawal of the amount and that application will be decided on its own merits.

e) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)