

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.
CIVIL APPLICATION NO. 633 OF 2013
IN
FIRST APPEAL NO. (STAMP) 34410 OF 2012**

The Manager, Brihan Mumbai Electric
Supply & Transport Undertaking Applicant

V/s.
Smt. Janet Ravi Thomas and others Respondents

Mr. Madhukar Kalzunkar Advocate with Ms. Namita Mestry
Advocate i/b Navdeep Vora & Associates
Advocate for Applicant/Appellant
Mr. Nikhil Mehta Advocate i/b KMC Legal Venture,
Advocate for respondent nos. 1 to 4

**CORAM : K. K. TATED, J.
DATED : 18/02/2016**

PC.:

Heard learned counsel for parties.

2) This application is preferred by original opposite party for stay of the operation and implementation of Judgment and Award dated 12/07/2012 passed by M.A.C. Tribunal, Mumbai in Civil Application No. 3035 of 2005 by which the Tribunal held that respondents/original claimants are entitled to the sum of Rs. 31,73,150/- with 7.5 % interest per annum by way of compensation.

3) Learned counsel for the applicant submits that as per order dated 18/06/2013 passed by this court, they have deposited the entire

awarded amount with interest and cost in Tribunal. Statement is accepted.

4) In the present proceeding, respondent/claimants preferred Civil Application No. 433 of 2016 for withdrawal of the amount. That application be decided on its own merits.

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

6) Hence, following order.

(i) Civil Application is allowed in terms of prayer clause (a) which reads thus.

“(a) That pending the hearing and final disposal of this appeal, the impugned Judgment and Order dated 02nd July, 2012 passed by the Motor Accident Claims Tribunal, Mumbai in Motor Accident Claim Petition No. 3035 of 2005 directing the appellant undertaking to pay a sum of Rs. 31,73,150/- with interest @ 7.5 % p.a. be stayed.”

(ii) The Tribunal is directed to invest the amount in fixed deposit in any nationalized bank, initially for a period of one year and same to be continued till further orders.

(iii) Civil Application No. 433 of 2016 preferred by respondent/claimants will be decided on its own merits.

(iv) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)