

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

**CIVIL APPLICATION NO. 3190 OF 2013
IN
FIRST APPEAL NO. 1443 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. Ramesh Cheulkar for the applicant.
None for the Respondent.

**CORAM : K. K. TATED, J.
DATED : 03/02/2016**

P.C.:

- . Heard learned Counsel for the applicant.
- 2 Though the respondents are duly served, no one appeared on behalf of them, when the matter called out.
- 2 This application is preferred by the Insurance Company for stay of operation and implementation of the Judgment and Award dated 23.09.2011 passed by the Motor Accident Claims Tribunal, Mumbai in Claim Application No. 1647 of 2001.
- 3 The learned Counsel for the applicant submits that as per earlier order dated 23.09.2014 passed by this Court, they deposited the entire awarded amount in the Tribunal. Statement is accepted.
- 4 The learned Counsel for the applicant submits

that subsequently, the respondents-claimants preferred Civil Application No. 3979 of 2015 for withdrawal of amount. He submits that, that application was allowed by this Court (Coram.: Mrs. Mridula Bhatkar, J) by order dated 04.12.2015.

5 The learned Counsel for the applicant submits that in the interest of justice this Hon'ble Court be pleased to allow the present Civil Application in terms of prayer clause (a). He submits that if application is not allowed, irreparable loss and injury will be caused to them.

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

7 Hence, following order.

a) Civil application is allowed in terms of prayer clause (a), which reads thus:

“a) Pending the hearing and final disposal of the First Appeal, the execution of the impugned Judgment and Award passed by Ld.M.A.C.T., at Mumbai in MACP No. 1647 of 2001 dated 23.09.2011 directing the appellant to pay compensation at Rs.8,41,000/- jointly and severally to the Respondent No.1 with 8.5% p.a. from date of application till its realization be stayed on such terms and conditions as this Hon'ble Court may deem fit and proper.”

b) The Tribunal is directed to invest the remaining 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) Civil Application stands disposed of accordingly.

(K.K.TATED, J.)