

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

**CIVIL APPLICATION NO.4230 OF 2017
IN
FIRST APPEAL (ST) NO.36063 OF 2017**

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.Rahul Mehta i/b M/s.KMC Legal Venture for the applicant

Mr.T.J.Mendon for the respondent nos. 1 to 3

**CORAM : K. K. TATED &
SARANG V. KOTWAL, JJ.
DATE : JANUARY 19, 2018**

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred by Insurance Company for stay of the operation and implementation of the impugned judgment and award dated 3.7.2017 passed by MACT, Raigad at Alibag in MACP No.294 of 2012 awarding sum of Rs.1,61,97,390/- with 9% interest by way of compensation to the Respondent Claimants.
3. The learned counsel for the Applicant Insurance Company submits that he received instruction from the Insurance Company that they

are ready and willing to deposit entire awarded amount in the Tribunal within 8 weeks from today. Statement is accepted.

4. The learned counsel for the Applicant submits that at the time of filing First Appeal, they deposited sum of Rs.25,000/- in the Registry of this court. He submits that the said amount be transferred to the Tribunal with accrued interest if any.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the Application, we are satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, following order:

a) Operation and implementation of the impugned judgment and award dated 3.7.2017 passed by MACT, Raigad at Alibag in MACP No.294 of 2012 is stayed till further orders on condition that Applicant to deposit entire amount with interest and cost in the Tribunal within 8 weeks from today, failing which the Civil Application shall stand dismissed without further reference to the court.

b) If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to invest the said amount in fixed deposit of any

nationalised bank initially for the period of one year and same be continued till further orders.

c) If amount is deposited within stipulated time as stated hereinabove, Respondent original claimants is permitted to prefer appropriate Application if they so desire for withdrawal of the amount and that Application be decided on its own merits.

d) The Registry of this Court is directed to transfer the amount of Rs.25,000/- with interest if any, which was deposited by the applicant at the time of filing of First Appeal, to the Tribunal with accrued interest if any in the account of M.A.C.P. No.294 of 2012.

e) Civil application stands disposed off accordingly.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)