

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3379/2017
in
First Appeal No.1204/2017

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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Ms. S. S. Dwivedi for the Applicant

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. By this Civil Application the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 25.11.2016 passed by the MACT, Karad in MACP No.117/2014 holding that the Respondent-Claimants are entitled to sum of Rs.7,30,000/- by way of compensation with interest @ 8% p.a.

2 The learned counsel for the Applicant submits that as per order dated 23.04.2018 passed by this court, they have already deposited the entire awarded amount with interest in the Tribunal. The statement is accepted.

3 The learned counsel for the Applicant submits that if entire amount is withdrawn by the Respondent-Claimants, nothing will survive in the present proceedings. She 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. She submits that they have good chance of success.

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

5 Hence, following order is passed:

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

(a) Pending the hearing and final disposal of this present Appeal, the execution, operation of the judgment and award dated 25.11.2016 passed by the learned MACT Satara in MACP No.117/2014 be stayed in the

interest of justice.”

b. The Tribunal is directed to invest the award 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 prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)