

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

CIVIL APPLICATION NO.1258 OF 2019

IN

FIRST APPEAL (ST.) NO.6427 OF 2019

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.Jyoti Bajpayee for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 4.9.2018 passed by MACT, Gadhinglaj in MACP No.37 of 2015 holding that Respondent original Claimants are entitled sum of Rs.13,56,000/- by way of compensation

with interest @ 9% p.a.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed execution application for recovery of entire amount. She submits that if entire amount is recovered by the Respondent Claimant in execution application then nothing will survive in the First Appeal. She submits that Applicant by First Appeal is challenging the compensation to the extent of Rs.3,90,000/- only with interest. She submits that to that effect she has made a statement in First Appeal which reads thus:

"4. VALUATION

The Appellant has valued the court fees for Jurisdiction Rs.15,00,000/- and the honourable Tribunal has granted compensation Rs.13,56,000/-. The Appellant is challenging an amount of 3,90,000/- out of Rs.13,56,000/-, hence, court fees at Rs.12,230/- is paid."

5 The learned counsel for the applicant submits that she received instruction from her client that they are ready and willing to deposit entire awarded amount in the Tribunal on or before 30.04.2019. Statement is accepted.

6 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application and as Applicant Insurance Company is ready and willing to deposit entire awarded amount in the Tribunal on or before 30.04.2019, following order is passed:

- a. Operation and implementation of the impugned judgment and award dated 4.9.2018 in MACP No.47 of 2015 is stayed to the extent of Rs.3,90,000/- along with interest, if entire amount is deposited in the Tribunal on or before 30.04.2019, failing which Civil Application shall stand dismissed without referring back to the court.
- b. If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to invest sum of Rs.3,90,000/- with accrued interest in fixed deposit of any nationalized bank initially for a period of one year and same to be continued till further orders.
- c. Liberty granted to the Respondent original Claimant if they so desire to prefer appropriate application for withdrawal of sum of Rs.9,60,000/- with accrued interest as per their share from the Trial Court.
- d. Civil Application stands disposed of

accordingly.

(K.K.TATED, J.)