

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3601/2015
IN
FIRST APPEAL NO.734/2015

Sanjay R. Shingade Applicant.

Vs.

MSRTC ... Respondent

Advocate Mr.Kush Saraf i/b RV Sankpal & Associates for
appellant.

Advocate Mr.CM Lokesh I/b G.K.S. Hegde for respondent.

CORAM : K.K.TATED, J.

DATED : JULY 3, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, the applicant/claimant is seeking stay of operation and implementation of judgment and award dated 27.2.2015 passed by MACT, Satara in MACP No.246/2009 dismissing applicant's claim petition and allowing the respondent to recover amount of No Fault Liability paid as per interim order u/s 140 of the Motor Vehicle Act.

3. Learned counsel for applicant submits that they have

good chance of success in the present proceeding.

4. Learned counsel for applicant submits that pending final disposal of first appeal, this Court be pleased to restrain the Respondents from recovering no fault liability amount from applicant.

5 It is to be noted that in the present proceeding claim petition filed by applicant was dismissed. Therefore, they have to refund the amount recovered by them.

6 Considering the submissions made by learned counsel for applicant and as claim petition filed by applicant stand dismissed, there is no question of granting any stay to the said order unconditionally. Hence, the following order.

a) Operation and implementation of clause no.2 of the impugned judgment and award dated 27.2.2015 which is reproduced as below, is stayed during pendency of first appeal, on condition that applicant to re-deposit entire awarded amount towards no fault liability in the Tribunal Satara on or before 31.8.2019, failing which respondents are entitled to recover the same by following due process of law.

Clause 2) The opponent is entitled to recover the amount of No-fault liability, under the

interim award under Section 140 of the Motor Vehicle Act, paid to the claimant, if any.

b) If amount is deposited within time, the Tribunal is directed to invest amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

c) Liberty granted to respondents if they so desire, to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

d) Civil application is allowed accordingly.

e) No order as to cost.

(K.K.TATED, J.)

