

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4350 OF 2015
IN
FIRST APPEAL NO. 72 OF 2017

Office Notes,
Office
Memoranda of
Coram,
appearances,
Court's orders or
directions and
Registrar's orders

Court's or Judge's orders.

Mr. Milind Sathaye for the Applicant.
Mr. Karan Deshmukh I/b Vaibhav
Gaikwad for the Respondent Nos. 1 to
3.

CORAM: K.K.TATED, J.
DATED : 03/09/2019

P.C.

1 Heard learned Counsel for the parties.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Award dated 26.03.2015 passed by MACT, Satara in MACP No. 269 of 2011.

3 The learned Counsel for the Applicant submits that they have already deposited entire awarded amount in the Tribunal. Statement is accepted. He submits that they have good chance of success in the present

matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Tribunal. He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

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

5 Hence, the following order is passed:

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

“a) That pending hearing and final disposal of the present First Appeal, the effect, operation, implementation and execution of the impugned Judgment and Award dated 26.03.2015 passed by the Learned Member, Motor Accident Claim Tribunal , Satara in the Motor Accident Claim Petition No. 269 of 2011 and disbursal of amount thereunder, be kindly stayed;”

b) The Tribunal is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)