ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 7 OF 2018
IN
FIRST APPEAL (ST) NO. 36295 OF 2017

The National Insurance Company Limited .....Applicant

V/s.

Smt. Geeta Jeevan Vedpathak and others .....Respondents

Mrs. Poonam Mittal for the applicant
Mr. Ranjeet Patil for respondent nos. 1 to 5

CORAM : K. K. TATED, J.

DATE : APRIL 11, 2019.

P.C.

Heard the learned counsel for the parties.

2 By this Civil Application, applicant is seeking stay of operation and implementation of Judgment and Award dated 06/04/2017 passed by Motor Accident Claims Tribunal at Kolhapur in MAC Petition No. 198 of 2012 holding that respondents are entitled to

compensation of Rs. 22,29,600/- alongwith interest of 7% per annum.

3 The learned counsel for the applicant submits that they have already deposited entire amount in the Tribunal. Same is accepted. She submits that if entire amount is withdrawn by the respondent, then nothing survives in the present First appeal. Hence, she prays that pending the hearing and final disposal of First Appeal, operation and implementation of the impugned Judgment and Award be stayed.

4 Considering the submissions of the learned counsel for the applicant and averments made in Civil Application, I am satisfied that applicant has made out case for allowing Civil Application. Hence, following order:

(I) Operation and implementation of Judgment and Award dated 06/04/2017 passed by Motor Accident Claims Tribunal at Kolhapur in MAC Petition No. 198 of 2012 is stayed till hearing and final

disposal of the First Appeal.

(II) Tribunal is directed to invest the entire amount in fixed deposit in any nationalized bank, initially for the period of one year and same to be continued till further orders.

(III) Liberty granted to respondent, if they desire, to prefer appropriate application for withdrawal of compensation of amount and that will be decided on its own merits.

(IV) Civil Application stands disposed of accordingly.

[K. K. TATED, J.]