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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION No.1644 OF 2013
IN
FIRST APPEAL No. 1213 OF 2016

United India Insurance Company Limited ...Applicant

Vs.

Smt. Kalpana Chandrahas Netalkar and Ors...Respondents

Ms. Varsha Chavan for Applicant

Mr. Datta Mane for Respondent Nos. 1 and 2

CORAM : SHRI K.K. TATED, J.

DATE : APRIL 16, 2019

P.C.:

1. Heard learned counsel for the parties.
2. By this Civil Application, the Applicant Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 23rd April, 2013 passed by the Motor Accident Claim Tribunal, Thane in Motor Accidents Claim Application No. 545 of 2006.
3. Office note shows that as per the order dated 11th July, 2013 passed by this Court, the Applicant deposited a sum of Rs.11,42,199/- in Tribunal on 13th August, 2013. Out of the said amount, sum of Rs.75,000/- paid to the Respondents/Claimants.
4. Considering the submissions made by learned counsel for the Applicants and the averments made in civil application and as entire amount has been deposited by the Applicant in Trial Court, I am satisfied that the Applicant has made out a case for following order:

ORDER

- (i) Civil Application is allowed in terms of prayer clause (a), which

reads thus:

“(a) that pending the hearing and final disposal of this appeal, the implementation and/or the execution of the Award dated 23.4.2012 passed by Member, MACT, Thane be kindly stayed.”

- (ii) The Tribunal is directed to invest the remaining amount in the fixed deposit of any nationalized bank initially, for a period of one year and same to be continued till further orders.
- (iii) Liberty granted to the Claimant to make appropriate Application, if she so desires for withdrawal of further amount, and that will be decided on its own merits.

[K.K. TATED, J.]