

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

**CIVIL APPLICATION NO. 1908 OF 2018
IN
FIRST APPEAL NO. 860 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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Nikhil Mehta i/b KMC Legal Venture for the Applicant.
Heena Hawaldar i/b Avinash Gokhale for Respondent Nos. 1 to 5.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 22, 2019**

P.C.

1 Not on board. At the request of the Learned Counsel for the Applicant matter is taken on production board for urgent orders.

2. Heard learned Counsel for the parties.

3. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the Judgment and award dated 30/08/2017 passed by the Motor Accident Claims Tribunal, Raigad in Motor Accident Claim Petition No. 223/2015.

4. Office note shows that, the Applicant has already deposited the entire awarded amount with interest in Tribunal.

5. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application, I am satisfied that the Applicant has made out a case for following order:

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

“a. That this Honorable court may be pleased to stay the effect/implementation of the Judgment and Award dated 30/08/2017 passed in M.A.C.T. Application No. 233 of 2015 by Shri K.R. Pethkar, Member Motor Accident Claims Tribunal, Raigad @ Alibag in so far as the present Appellant Insurer is concerned.”

b) The Tribunal is directed to invest the amount in fixed deposit of any Nationalized 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) The Registry is directed to transfer a sum of Rs.25,000/- deposited by the Applicant at the time of filing of First Appeal along with accrued interest, if any, to the MACT, Raigad in account of Application No. 223/2015, immediately.

e) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)