

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

**CIVIL APPLICATION NO.2133 OF 2019
IN
FIRST APPEAL NO.726 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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Ms.Shalini Shankar for the applicant

**CORAM : K. K. TATED, J
DATE : JULY 16, 2019**

P.C.:

. Heard.

2 By this Civil Application, Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 23.10.2018 passed by MACT, Mumbai in Application No.2442 of 2009.

3 The learned counsel for the Applicant submits that she received instruction from her client that they are ready and willing to deposit entire awarded amount with interest

in the Tribunal within two weeks from today. Statement is accepted. She submits that the Tribunal has awarded compensation on higher side. She further submits that pending the hearing and final disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of impugned judgment and award. The learned counsel for the Applicant submits that if entire amount is recovered by the Respondent original Claimant, by filing Execution Application, then nothing will survive in the present proceedings. She submits that they have good chance of success in the matter.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Applicant is ready and willing to deposit entire awarded amount with interest in the Tribunal within two weeks from today, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

A. Civil Application is allowed in terms of prayer clause (a) on condition that the Applicant Insurance Company to deposit the entire awarded amount with interest, cost, if any, in the Tribunal on or before 3.8.2019,

failing which the Civil Application shall stand dismissed without further reference to the court.

B. Tribunal is directed to deposit said amount in fixed deposit of any nationalised bank initially for a period of one year and same to be continued till further orders.

C. Liberty granted to the Claimant to make appropriate Application for withdrawal of amount if they so desire, and that Application be decided on its own merits.

D. Civil application stands disposed off accordingly.

(K.K.TATED, J.)