

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 686/2014
in
First Appeal (ST) No. 4210/2014

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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Mrs. Varsha Chavan for the Applicant
Mr. Abhijit B. Desai for Respondent Nos.1, 2 and 4.

CORAM : K.K.TATED, J.
DATED : APRIL 25, 2019

P.C.

Heard. By this Civil Application, the Applicant seeks stay to the operation and implementation of the judgment and award dated 08.07.2013 passed by the MACT, Gadhinglaj, Dist. Kolhapur in MACP No.44/2010.

2 Office note shows that the Insurance Co. has deposited a sum of Rs.20,70,952/- in the Tribunal. The learned counsel for the Applicant submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award till hearing

and final disposal of the first appeal. He submits that if entire awarded amount is withdrawn, nothing will survive in the present proceedings.

3 Considering the submissions made by the learned counsel for the Applicant and as the Appellant Insurance Co. has deposited the entire awarded amount in the Trial Court, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order is passed:

a. The 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 08.07.2013 passed by the Member, MACT, Gadhinglaj in MACT Application No.44/2010 be kindly stayed.”

b. The Tribunal is directed to invest the awarded amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. Office to transfer a sum of Rs.25,000/- deposited by the Appellant at the time of filing the First Appeal, along with accrued interest, to the MACT, Gadhinglaj, Kolhapur in the account of MACP No.44/2010.

d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)