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

**CIVIL APPLICATION NO. 1026 OF 2019
IN
FIRST APPEAL (STAMP) NO. 3860 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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Mrs. Varsha Chavan for the Applicant.

CORAM : K. K. TATED, J.
DATE : 20th MARCH, 2019.

P. C. :

1. Heard learned Counsel for the Applicant.
2. By this Civil Application, the Applicant-Company is seeking stay of the operation and implementation of the Judgment and Award dated 31.07.2018 passed by Motor Accident Claim Tribunal, Mumbai in Application No. 2002 of 2012 holding that the Respondents-Claimants are entitled for compensation of Rs.25,34,065/- with interest @ 8% p.a. from the date of application till its realisation.
3. Learned Counsel for the Applicant submits that the Respondents-Claimants filed execution application for recovery of entire amount. She submits next date in execution application is 04.04.2019. Learned Counsel for the Applicant submits that since if the entire amount recovered by the claimants in execution application, nothing will survive in the

present First Appeal. She submits that that the Applicant is ready and willing to deposit the entire amount with the Tribunal on or before 04.04.2019. Statement is accepted.

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

(i) Operation and implementation of the impugned Judgment and Award dated 31.07.2018 passed by Motor Accident Claim Tribunal, Mumbai in Application No. 2002 of 2012 is stayed till further orders on condition that the Applicant to deposit the entire awarded amount with interest in Tribunal on or before 04.04.2019, failing which the Civil Application shall stand dismissed without referring back to this Court.

(ii) If, the amount is deposited within stipulated time, the Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further order.

(iii) Liberty granted to the Respondents-claimants to prefer an appropriate application for withdrawal of further amount, if they so desire, which will be decided on its own merits.

(iv) Registry is directed to transfer a sum of Rs.25,000/- along with interest, if any, deposited by the Applicant in the Registry at the time of filing of appeal, to the concerned Tribunal

immediately.

(v) The Civil Application is disposed of accordingly.

[K. K. TATED, J.]