

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

**CIVIL APPLICATION NO.2420 OF 2013
IN
FIRST APPEAL NO.786 OF 2013**

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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Mr.D.R.Mahadik for the Applicant

**CORAM : K. K. TATED, J
DATE : SEPTEMBER 11, 2019**

P.C.:

. Heard.

2 Though Respondents are duly served, no one appeared on behalf of them when the matter was called out.

3 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 6.12.2012 passed by MACT, Nashik in MACP No.77 of 2006.

4 The learned counsel for the Applicant

submits that they already deposited entire awarded amount in the Tribunal along with interest as per earlier order dated 17.7.2013.

Statement is accepted.

5 The learned counsel for the Applicant submits that in the interest of Justice, this Hon'ble court be pleased to allow the present Civil Application in terms of prayer clause (a). He submits that if entire amount is withdrawn by the Respondent Claimant then nothing will survive in the present proceeding.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as entire amount is deposited by the Applicant as per earlier order dated 17.7.2013, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

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

“(a) That pending the hearing and final disposal of the appeal, the operation of the Judgment and Order 06.11.2012 passed by Hon’ble P.Y. Kale, Member, Motor Accident Claims Tribunal, in M.A.C.P. No.77 of 2006, be stayed.”

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

C. Liberty granted to the Respondents/original Claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

D. Civil Application stands disposed of accordingly.

E. No order as to costs.

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(K.K.TATED, J.)