

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2955/2017
in
First Appeal No.1058/2017

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. S. Joshi for the Applicant

CORAM : K.K.TATED, J.
DATED : APRIL 22, 2019

P.C.

Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 13.10.2016 passed by the MACT, Pune in MACP No.243/2011 holding that the Respondents are entitled to sum of Rs.2 lac by way of compensation with 8% p.a. interest from the date of filing the petition.

2 The learned counsel for the Applicant submits that if the entire amount is recovered by the Respondent - claimant, nothing will survive in the First Appeal. He submits that in the interest of justice, pending the hearing and final disposal of the

First Appeal, the operation and implementation of the impugned judgment and award be stayed. He submits that the Applicant has good chance of success. On the basis of this submission, the learned counsel for the Applicant submits that the stay be granted.

3 Considering the submissions made by the learned counsel for the Applicant and the reasons disclosed in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 At the same time, the Applicant will have to deposit the entire awarded amount in the Tribunal.

5 Hence, the following order is passed:

a. The operation and implementation of the judgment and award dated 13.10.2016 passed by the MACT, Pune in MACP No.243/2011 is stayed, subject to the Applicant depositing the entire awarded amount including costs and interest, in the Tribunal on or before 31.05.2019, failing which the Civil Application shall stand

dismissed without further reference to the court.

b. If the amount is deposited within stipulated time as stated hereinabove the Tribunal is directed to invest the same 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

c. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)