

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

**CIVIL APPLICATION NO.2391 OF 2016
IN
FIRST APPEAL NO.699 OF 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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Ms.Poonam Mittal for the applicant

Mr.Omkar Paranjape I/b Mr.A.M.Gokhale for the respondent no.1

**CORAM : K. K. TATED, J
DATE : MARCH 12, 2019**

P.C.:

1 Heard.

2 By this Civil Application, Insurance Company is seeking stay of the operation and implementation of the judgment and award dated 25.08.2015 passed by MACT, Palghar in MACP No.70 of 2011 directing them to pay sum of Rs.73,000/- along with interest @ 7% p.a. under section 140 of the Motor Vehicles Act.

3 The learned counsel for the Applicant

submits that they already deposited entire amount in the Trial Court. Statement is accepted.

4 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 judgment and award dated 25.08.2015 till the hearing and final disposal of the First Appeal.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is deposited in Trial Court, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

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

“(a) Pending the hearing and final disposal of the First Appeal; the execution of the impugned judgment and Award passed by Ld.MACT at Palghar in MACP No.70 of 2011 dated 25.08.2015, directing appellant to pay Rs.73,000/- jointly and severally to the respondent no.1 with 7%

p.a. from the date of petition till its realization be stayed on such terms and conditions as this Hon'ble Court may deem fit and proper."

B) Liberty granted to the Respondent original Claimant to prefer appropriate Application if they so desire for withdrawal of the amount and that Application be decided on its own merits.

C) Civil application stands disposed off accordingly.

(K.K. TATED, J.)