

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3584 OF 2017
IN
FIRST APPEAL (ST) NO. 7464 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. Shraddha Chheda I/b Navneet Vora & Asso. for the Applicant.
Mr. T.J. Mendon for the Respondent No.1.

CORAM: K.K.TATED, J.
DATED : 26/08/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Award dated 14.06.2016 passed by the MACT, Mumbai in Claim Application No. 1093 of 2011 holding that the Respondents original Claimants are entitled to a sum of Rs. 4,61,000/- by way of compensation with interest @ 9 % p.a. from the date of filing of the petition till realisation of the entire amount.

3 The learned Counsel for the Applicant

submits that he received instructions from his client that they are ready and willing to deposit the entire amount with interest within one week from today. Statement is accepted.

4 The learned Counsel for the Applicant submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Tribunal. He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

6 Considering the submissions made by the learned Counsel for the Applicant and observations made by the Tribunal and as Applicant is ready and willing to deposit the entire amount in the Tribunal , I am satisfied that Applicant has made out a case for allowing this Civil Application.

6 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit the entire awarded amount with interest in the Tribunal on or before 07.09.2019, failing which Civil

Application shall stand dismissed without further reference to the Court. Prayer clause (a), reads thus:

“a) pending the hearing and final disposal of this appeal, the impugned judgment and order dated 14th June 2016 passed by the MACT at Mumbai in Motor Accident Claim Application No. 1093 of 2011 directing the Applicant Undertaking to pay a sum of Rs.4,61,000/- (Rupees Four Lakhs Sixty One Thousand only) with interest @ 9% p.a. be stayed;”

b) If amount is deposited within stipulated time, the Tribunal is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)