

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

CIVIL APPLICATION NO.1059 OF 2016

IN

FIRST APPEAL (ST.) NO.9572 OF 2015

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.A.K.Sharma i/b M/s.B.B.Nangare and
Associates for the applicant

CORAM : K. K. TATED, J

DATE : JULY 16, 2019

P.C.:

. Heard.

2 By this Civil Application, Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 25.09.2014 passed by MACT, Mumbai in Application No.2034 of 2007 holding that the Respondent original Claimant is entitled sum of Rs.2,32,581/- by way of compensation with interest @ 7.5% p.a.

3 The learned counsel for the Applicant submits that if entire amount is recovered by

the Respondent original Claimant by filing Execution Application then nothing will survive in the present proceedings. He submits that pending the hearing and final disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of impugned judgment and award. He submits that he received instruction from his client that they are ready and willing to deposit entire awarded amount on or before 09.08.2019 in the Tribunal. Statement is accepted.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as Applicant is ready and willing to deposit entire awarded amount with interest in the Tribunal on or before 9.8.2019, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

a. The operation and implementation of the impugned judgment and award dated 25.09.2014 passed by MACT, Mumbai in Application No.2034 of 2007 is stayed, till hearing and final disposal of the appeal on condition that the Applicant Insurance Company to deposit the entire awarded

amount with interest, cost, if any, in the Tribunal on or before 9.8.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

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

c. Liberty granted to the Claimant to make appropriate Application for withdrawal of amount if they so desire and that Application be decided on its own merits.

d. Civil application stands disposed off accordingly.

(K.K.TATED, J.)