

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2816 OF 2016

IN

FIRST APPEAL NO. 1130 OF 2019

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. Nisha Gandhi I/b Res Juris for the Applicant.

CORAM: K.K.TATED, J.

DATED : 26/08/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicant is seeking stay of operation and implementation of the Judgment and Award dated 14.09.2015 passed by the MACT, Kolhapur in MACP No. 376 of 2013.

3 The learned counsel for the Applicant submits that they already deposited entire awarded amount in the Tribunal. She submits that if entire amount is withdrawn by the Claimant, then nothing will survives in the present proceeding. She 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.

4 It is to be noted that in the present proceeding, Respondent original Claimant already preferred Civil Application (ST) No. 8230 of 2019 for withdrawal of amount.

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

6 Hence, following order is passed:

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

“(b) Pending the hearing and final disposal of the First Appeal, the execution, implementation and operation of judgment and award dated 14.09.2015 passed by the learned Member, Motor Accident Claims Tribunal, Kolhapur, in MACP 376 of 2013 may kindly be stayed.”

b) The Tribunal is directed to invest the entire awarded amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c) Civil Application (ST) No. 8230 of 2019 preferred by Respondent Claimant to

be decided on its own merits.

d) The Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)