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

**CIVIL APPLICATION NO. 382 OF 2017
IN
FIRST APPEAL (ST) NO. 10321 OF 2016**

The New India Assurance Co. Ltd. Thr.Applicant
Mumbai Regional Office-I

V/s.

Mr. Sagar Baban Nikam and anotherRespondents

Mr. Sandeep Jinsiwale for the applicant
Mr. Pritesh Bohade for the respondents

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2019.

P.C.

Heard learned counsel for the parties.

2 By this Civil Application, the applicant is seeking stay of operation and implementation of impugned Judgment and Award dated 28/08/2015 passed by Motor Accident Claims Tribunal at, Nashik in MACP No. 523 of 2009.

3 The learned counsel for the applicant submits that they have already deposited entire awarded amount alongwith interest in Tribunal. Statement is accepted.

4 The learned counsel for the applicant submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award dated 28/08/2015. He submits that if entire amount is withdrawn by the respondents, then nothing will survive in the present proceedings.

5 On the other hand, the learned counsel appearing for the respondents submits that they preferred CA No. 1004 of 2019 for permitting them to withdraw the amount. Same is pending for hearing on its own merits.

6 Considering the submissions made by the learned counsel for the applicant, averments made in Civil Application and as applicant deposited entire awarded amount in Tribunal, I am satisfied that

applicant has made out case for following order:

(I) Operation and implementation of the impugned Judgment and Award dated 28/08/2015 passed by Motor Accident Claims Tribunal at, Nashik in MACP No. 523 of 2009 is stayed till hearing and final disposal of the First Appeal.

(II) Motor Accident Claims Tribunal at Nashik is directed to invest entire amount in fixed deposit in any nationalized bank, initially for a period of one year and same to be continued until further orders.

(III) Civil Application No. 1004 of 2019 preferred by the claimants to be decided on its own merits.

(IV) Civil Application stands disposed of accordingly.

[K. K. TATED, J.]