

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

**CIVIL APPLICATION NO. 3714 OF 2015
IN
FIRST APPEAL (STAMP) NO. 11590 OF 2015**

The Manager, The New India Assurance
Co. Ltd.

... Applicant

V/s.

Shri Nandkishor Hari Khot & Ors.

... Respondents

Mr. D.R. Mahadik, Advocate for the Applicant.

Mr. T.J. Mendon, Advocate for Respondent No.1

Ms. Poonam Mital i/b KMC Legal Venture for Respondent No.4.

CORAM : K. K. TATED, J.

DATED : 11th OCTOBER, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this Civil Application, applicant/insurance company is seeking stay of operation and implementation of impugned Judgment and Award dated 12th September, 2014 passed by Motor Accident Claims Tribunal, Raigad At Alibag in Motor Accident Claim Petition No. 188 of 2011 holding that, the respondents/claimants are entitled sum of Rs. 7,94,078/- by way of compensation with interest @ 7.5 % p.a.
3. The learned counsel for the applicant submits that, they have already deposited the entire awarded amount in Tribunal. Statement is

accepted. He 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 impugned Judgment and Award passed by the Tribunal. He submits that, if entire amount is withdrawn by the claimant then nothing will survive in the present proceeding.

4. Considering the submission made by the learned counsel for the applicant and averments made in the Civil Application, I satisfy that, the applicant has made out a case for allowing this Civil Application. Hence, following order.

ORDER

A) Civil Application allowed in terms of Prayer Clause 'a' which reads thus :

“That pending the hearing and final disposal of the appeal, the operation of the Judgment and Award 12-09-2014 passed by Hon'ble P.R. BHARAD, District Judge-I and Ex-Officio Member, Motor Accident Claims Tribunal, Malgaon-Ragad in M.A.C.T. Application No. 188 of 2011, be stayed.”

B) Tribunal is directed to invest amount in fixed deposit to any Nationalized Bank initially for a period of one year and same to be continued till next date.

- C) Liberty is granted to the claimants, if they so desire to prefer an appropriate application to withdraw the amount.
- D) Civil Application stands disposed of accordingly.
- E) No order as to costs.

(K.K.TATED, J.)