

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

**CIVIL APPLICATION NO.2692 OF 2019  
IN  
FIRST APPEAL NO.1086 OF 2019**

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|-----------------------------------------------------------------------------------------------------------|---------------------------|
| 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 M/s.Res Juris for the applicant

**CORAM : K. K. TATED, J  
DATE : AUGUST 14, 2019**

**P.C.:**

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the Judgment and order dated 29.1.2019 passed by MACT, Satara in MACP No.278 of 2015 holding that Respondent original Claimants are entitled sum of Rs.18,44,400/- by way of compensation with interest @ 7.5% p.a

3 The learned counsel for the Applicant

submits that she received instruction from the Applicant that they are ready and willing to deposit entire awarded amount in the Tribunal within six weeks from today. 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. She submits that if amount is withdrawn by the Respondent then nothing will survive in the present proceeding.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application and as Applicants are ready and willing to deposit entire awarded amount within six weeks from today, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (b) on condition that Applicant to deposit entire awarded amount in the Tribunal within six weeks from today, failing which Civil Application shall stand dismissed without referring back to the court. Prayer

clause (b) reads thus:

*“b) Pending hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 29.01.2019 passed by Learned Member, Motor Accident Claims Tribunal, Satara, in MACP No.278 of 2015 may kindly be stayed.”*

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

C. Liberty granted to the Respondents / Claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

D. Civil Application stands disposed of accordingly.

E. No order as to costs.

**(K.K.TATED, J.)**