

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

**CIVIL APPLICATION NO.1919 OF 2017
IN
FIRST APPEAL NO.584 OF 2017**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.M.S.Lagu for the applicant

Mr.Niketan Nakhawa I/b Mr.T.J.Mendon for the respondent nos.1 and 2

**CORAM : K. K. TATED, J
DATE : JULY 5, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 23.01.2017 passed by MACT, Thane in MACP No.592 OF 2012.

3 The learned counsel for the Applicant submits that they already deposited entire

awarded amount along with interest in the 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 passed by the Tribunal. He submits that if entire amount is withdrawn by the Respondent Claimant then nothing will survive in the present proceeding.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Applicants have already deposited entire awarded amount in the Tribunal, 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 (a) which reads thus:

"(a) Pending the hearing and final disposal of the above appeal the execution, implementation & operation of the impugned judgment and award dated 23/01/2017 passed by the Ld.Chairman M.A.C.T., Thane in M.A.C.P. NO.592 of 2012 be stayed."

B. If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to deposit entire awarded 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 and that Application be decided on its own merits.

D. Civil application stands disposed of accordingly.

(K.K.TATED, J.)