

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2911 OF 2016
IN
FIRST APPEAL (ST) NO.13378 OF 2016**

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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Mr. Amol Gatane for applicant.
Mr. R.S. Alange for respondent No.1.

**CORAM : K. K. TATED, J
DATE : MARCH 26, 2019**

P.C.:

1. Heard learned Counsel for parties.

2. The learned Counsel for the applicant submits that the respondent/claimants filed Execution Application for recovery of the entire amount. The next date before the tribunal is 30.03.2019. He submits that if entire amount is recovered by the respondent/claimant in Execution Application then nothing will

survive in the present First Appeal.

3. The learned Counsel for the applicant submits that by this Civil Application they are seeking stay of the operation and implementation of the impugned judgment and award dated 03.12.2015 passed by Motor Accident Claim Tribunal, Solapur in Motor Accident Claim Petition No. 258 of 2010 holding that the respondent/claimants are entitled for a sum of Rs.8,96,550/- by way of compensation with 7.5% interest from the date of application till the realization of the amount.

4. The learned Counsel for the applicant submits that the tribunal erred in coming to the conclusion that the respondents are entitled for a compensation of more than 8 lakhs in the present proceedings. He submits that by filing of First Appeal they are challenging the quantum awarded to the respondent/original claimants. He submits that they have good chance of success in the

present matter. Hence, in the interest of justice pending the hearing and final disposal of the First Appeal, the operation and implementation of the impugned judgment and award be stayed.

5. On the other hand, the learned Counsel appearing on behalf of respondent/original claimant submits that applicant may be permitted to file appropriate application for withdrawal of the amount.

6. Considering the submissions made by learned Counsel for the applicant and as they are ready and willing to deposit the entire awarded amount in the tribunal on or before 30.04.2019, I am satisfied that the applicant has made out case for allowing this Civil Application. Hence, following order :-

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

“(b) Your Lordship be pleased to stay the execution, operation and

implementation of the impugned judgment and order/Award dt.3/12/2015, passed by the Member, M.A.C.T. SOLAPUR, Dist.:SOLAPUR in M.A.C.P. No.258/2010, U/Sec. 166 of the M.V. Act, 1988; till the final hearing and disposal of the First Appeal, as against the Applicant.”

On condition that applicant to deposit the entire awarded amount in tribunal on or before 30.04.2019, failing which Civil Application shall stand dismissed without reference to the Court.

b) If entire amount is deposited within time, the Tribunal is directed to invest the said amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be continued till further orders.

c) Liberty granted to the respondent/original claimants to prefer an appropriate Application for withdrawal of further 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.)