

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1136/2014
IN
FIRST APPEAL NO.680/2017

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. Sanjay Krishnan I/b. Harshada Rane for the applicant
Mr. Mitesh Dave I/b. A. M. Gokhale for the respondent

CORAM : K.K.TATED, J.
DATED : JUNE 3, 2019

P.C.

1 Mentioned. Not on board. Taken on board.

2 By this civil application the applicant is seeking stay to the operation and implementation of the impugned judgment and award dated 13.12.2012 passed by the MACT Kalyan in MACP No.49/2010 holding that the respondent claimants are entitled to sum of Rs.4,95,000/- by way of compensation with interest @ 7% from the date of application i.e. 11.03.2010 till its actual realization.

3 The learned counsel for the applicant submits that they have already deposited the entire decretal amount in the Tribunal. The statement is accepted.

4 Considering the submissions made by the learned counsel for the applicant and the impugned judgment and award, I am satisfied that the applicant has made out a case for allowing the civil application.

5 Hence, the following order is passed:

a. The civil application is allowed in terms of prayer clauses (a) & (b), which read thus:

a. Pending the hearing and final disposal of the Appeal this Hon'ble Court be pleased to stay the operation of the impugned judgment and award dated 13th December 2012 passed by the learned Member, Kalyan, partly allowing the Claim Petition bearing No.49 of 2010 and directing this applicant and the respondent No.2 herein jointly and severally to pay the total amount of Rs.4,95,000/- (Rupees Four lakhs Ninety Five Thousand Only) inclusive of the amount of No Fault Liability with interest at the rate of 7% from 11.03.2010 till the date of payment/ deposit.

b. Pending the hearing and final disposal of the Appeal the execution

proceedings of impugned judgment and award dated 13th December 2012 passed by the Hon'ble Tribunal, Kalyan, partly allowing the claim petition bearing No.49 of 2010 be stayed."

b. The Tribunal is directed to deposit the entire decretal amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. Civil Application No.3662/2018 filed by the respondent claimant for withdrawal of the amount shall be decided on merits.

d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)