

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2672/2009
IN
FIRST APPEAL (STAMP)NO.14526/2009

United India Assurance Co. Ltd. ... Applicant.
Vs.
Vilas P. Tamore & Others. ... Respondents.

Mr.SV Vidyarthi, advocate for applicant.
Mr.T.J. Mendon, advocate for respondent Nos.1 and 2.

CORAM : K.K.TATED, J.
DATED : JUNE 17, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, applicant/Insurance Company is seeking stay of operation and implementation of judgment and award dated 29.11.2006 passed by MACT Mumbai, in Application no.3658/1994.

3. Learned counsel for applicant submits that they already deposited entire amount in the Tribunal. Statement is accepted.

4. Learned counsel for applicant submits that pending hearing and final disposal of present first appeal, operation and implementation of judgment and award dated

29.11.2006 be stayed. If the entire amount is withdrawn by the respondent./claimant by execution application then nothing will survive in the first appeal. He submits that they have good chance of success.

5. Considering the submissions made by the learned counsel for applicant, averments made in application and as entire amount is deposited in the Tribunal I am satisfied that applicant has made out a case for allowing the application .

6. Hence, the following order.

- a) Pending hearing and final disposal of first appeal, operation and implementation of impugned judgment and award dated 29.11.2006, passed by learned Motor Accident Claim Tribunal,Mumbai in Claim Application No.3658/1994, is stayed.
- b) The Tribunal is directed to invest the entire amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.
- c) Civil application is disposed of.
- d) No order as to cost.

(K.K.TATED, J.)

