

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

**CIVIL APPLICATION NO.2767 OF 2016
IN
FIRST APPEAL (ST.) NO.14766 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.H.G.Misar for the applicant

Mr.Sachin Gite for the respondent nos.1 and 2

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 24.11.2015 passed by MACT, Nashik in MACP No.828 of 2012.

3 The learned counsel for the Applicant submits that they already deposited entire awarded amount in the Tribunal. Statement is accepted.

4 The learned counsel for the Applicant submits that if entire amount is withdrawn by the Respondent Claimant then nothing will survive in the present proceeding. He submits that pending the hearing and final disposal of the First Appeal, operation and implementation of the impugned judgment and award be stayed.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is deposited by them, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, the following order:

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

"(a) Pending the hearing and final disposal of the abovesaid First Appeal, the execution, operation and implementation of the impugned judgment and award dated 24/11/2015 passed by the learned Member, Motor Accident Claims Tribunal, Nashik in M.A.C.P. No.828 of 2012 may kindly be stayed."

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

C) Liberty granted to the Respondent Claimant to prefer appropriate Application for withdrawal of amount, they so desire and that Application be decided on its own merits.

D) Civil application stands disposed of accordingly.

(K.K.TATED, J.)