

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3582/2017
in
First Appeal No.1255/2017

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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Ms. Poonam Mittal for the Applicant
Mrs. Rina Kundu for the Respondent

CORAM : K.K.TATED, J.
DATED : JULY 31, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 27.02.2017 passed by the MACT Thane in MACP No.594/2015.

2 The learned counsel for the Applicant submits that they have already deposited the entire amount as per the earlier order passed by this court. She submits that if the entire amount is recovered by the claimants then nothing will survive in the present proceedings. She submits that in the interest of justice, this Hon'ble Court be

pleased to stay the operation and implementation of the impugned judgment and award till hearing and final disposal of the First Appeal.

3 On the other hand, the learned counsel for the Respondent-Claimant submits that they have filed Civil Application No.394/2018 for withdrawal of the amount which will be decided on merits.

4 Considering the submissions made by the learned counsel for the Applicant and the impugned judgment and award following order is passed:

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

“(a) That pending the hearing and final disposal of the First Appeal, the order and judgment passed by the Hon’ble Judge, K.D.Vadane, Member, MACT Thane at Thane in application MACP No.0100594 of 2015, dated 27th February 2017 be stayed.”

b. The Tribunal is directed to invest the awarded amount in a fixed deposit account of any Nationalized Bank,

initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. The Civil Application No.384/2018 filed for withdrawal of the amount shall be decided on merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)