

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2767/2019
in
First Appeal (ST) No.14756/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. Rahul Mehta I/b. KMC Legal Venture for the Applicant	

CORAM: K.K.TATED, J.
DATED : SEPTEMBER 19, 2019

P.C.

1 Heard. By this Civil Application, the Applicant is seeking stay to the operation and implementation of the judgment and award dated 17.11.2018 passed by the MACT Satara in MACP No.69/2015 holding that the Respondent-Claimant is entitled to sum of Rs.3,85,007/- by way of compensation with interest @ 7% p.a. for the damages caused to the Respondent-Claimant's vehicle in the accident which occurred on 13.01.2014.

2 The learned counsel for the Applicant submits that he received instructions from their client that they

are ready and willing to deposit the entire awarded amount along with accrued interest, if any, in the Tribunal within four weeks from today. The statement is accepted.

3 The learned counsel for the Applicant submits that pending the hearing and final disposal of the First Appeal this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. He submits that if the entire amount is recovered by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Civil Application and as the Applicant is ready and willing to deposit the entire awarded amount, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

5 Hence, following order is passed:

a. The Civil Application is allowed in terms of prayer clause (a) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 19.10.2019 failing which the Civil Application shall stand dismissed without further reference to the court. Prayer clause (a) reads thus:

“(a) That this Hon'ble Court be please to stay the effect/execution/operation and implementation of the judgment and award dated 17.11.2018 passed in MACT application No.69/2015 by Y.H.Ameta - Member, MACT Satara.”

b. The Tribunal is directed to invest the 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. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

d The sum of Rs.25000/- deposited by the Appellant at the time of filing the First Appeal be transferred to the Tribunal in the respective MACP Account.

e. The Civil Application stands disposed of accordingly.

f. No order as to costs.

(K.K.TATED, J.)