

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

**CIVIL APPLICATION NO.2443/2019
in
FIRST APPEAL (ST)NO.14826/2019**

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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Advocate Ms Kalpana Trivedi for applicant.

**CORAM : K. K. TATED, J.
DATE : AUGUST 16, 2019.**

P.C.:

Heard learned counsel for applicant.

2 By this civil application, applicant /Insurance Company is seeking stay of operation and implementation of impugned judgment and award dated 24.9.2018 passed by MACT, Thane in MACP no.658/2016 holding that respondent/claimants are entitled sum of Rs.38,44,700/- by way of compensation with interest @ 7% p.a.

3 Learned counsel for applicant submits that respondents are duly served. To that effect she has filed affidavit of service. She

submits that respondents/claimants filed execution application for recovery of entire awarded amount. Next dated is 29.8.2019. She submits that if entire amount is recovered by respondents/claimants nothing will survive in present proceeding. She submits that they have good chance of success in the matter.

4 Learned advocate for applicant submits that she received instructions from her client that they are ready to deposit entire amount in the Tribunal within 4 weeks from today. Statement is accepted.

5 Considering the submissions made by learned counsel for applicant and the averments made in application, and as respondents filed execution application and next date is 29.8.2019 applicant has made out a case for following order.

A) Civil application allowed in terms of prayer clause (a) which is reproduced as under on condition that applicant to deposit entire awarded amount with interest in the Tribunal on or before 13.9.2019 failing which civil application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus;

(a) Pending the hearing and final disposal of the first appeal this Hon'ble Court by an order of stay, may kindly stay the operation, implementation and execution of the judgment and order dated 24.9.2018 passed by Shri M.M.Walimohammed-Judge-MACT Mumbai in MARCP No.658/2016.

B) If amount is deposited within time, the Tribunal is directed to invest entire amount in Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents/claimants if they so desire to prefer appropriate application for withdrawal of amount and that application will be decided on its own merits.

D) Civil application is disposed of.

E) No order as to cost.

(K.K.TATED, J.)