

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

**CIVIL APPLICATION NO. 2436 OF 2017
IN
FIRST APPEAL NO. 815 OF 2017**

Iffco Tokio General Insurance Co. Ltd. ... Applicant
V/s.
Kishor Machhindra Deshmukh and Anr. ... Respondents

Ms. Varsha Chavan, Advocate for the Appellant.
Ms. Harshada Rane i/b. Sangeeta Salvi, Advocate for Respondent No.1.

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**CORAM : K. K. TATED, J.
DATED : 11th OCTOBER, 2019**

P.C. :

1. Heard learned counsel for the parties.
2. By this Civil Application, applicant/insurance company is seeking stay of the operation and implementation of impugned Judgement and Award dated 01/09/2016 passed by Motor Accident Claims Tribunal, Thane in Motor Accident Claim Petition No. 323 of 2014 holding that, the respondent/claimant is entitled for compensation for Rs. 3,77,000/- with interest @ 8% p.a. from the date of petition till realization of entire amount.
3. The learned counsel for applicant submits that, as per earlier order dated 7th September, 2017 passed by this court, they already

deposited the entire awarded amount with interest in Tribunal. Statement is accepted. She submits that, pending the hearing and final disposal of the first appeal, the operation and implementation of impugned order be stayed. She submits that, if entire amount is withdrawn by the respondents/claimants, then nothing will survive in the present proceeding.

4. On the other hand, the learned counsel Ms. Harshada Rane appearing on behalf of claimant submit that, they preferred Civil Application No. 2467 of 2019 for withdrawal of amount.

5. Considering the submissions made by the learned counsel Ms. Varsha Chavan for applicant and as the entire amount is deposited in Tribunal, I satisfy that, applicant has made out a case for allowing this Civil Application. Hence, following order.

ORDER

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

“That pending the hearing and final disposal of this appeal, the implementation and/or the execution of the Award dated 1.9.2016 passed by Shri K.D. Vadane, Member, MACT, Thane in MACT application No. 323 of 2014 be kindly stayed;”

- b) Tribunal is directed to invest amount in fixed deposit of any Nationalized Bank initially for a period of one year and same to be continued till further order.
- c) Civil Application No. 2467 of 2019 preferred by the claimant to be heard on its own merits.
- d) Civil Application stands disposed of accordingly.
- e) No order as to costs.

(K.K.TATED, J.)