

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.4044/2007

in

First Appeal No.2122/2007

with

Civil Application No.3328/2019

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Poonam Mittal for the Applicant Ms. Roshni M. Thakkar I/b Juris Partners for Respondent Nos.1 to 4 Ms. Ankita Manjrekar I/b. Iondrajeet Kulkarni for Respondent No.8.

CORAM: K.K.TATED, J.

DATED : OCTOBER 18, 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 09.10.2006 passed by the MACT, Pune in claim Application No.320/2000 holding that the Respondent-Claimants are entitled to sum of Rs.3,35,900/- inclusive of NFL with interest @ 7.5% p.a.

2 In the present proceeding the Respondent-Claimants preferred the Civil Application No.3328/2019 for

withdrawal of the amount, which was on board before this court on 14.10.2019. At that time, this court had directed the advocate for the Appellant Insurance Co. to make enquiry and find out whether the amount is deposited by them or not. Today, she submits that the amount is not deposited.

3 It is to be noted that in the present proceeding this court, by order dated 04.09.2007 directed the Applicant to deposit the amount within six weeks. The learned counsel for the Applicant submits that the Insurance Co. is ready and willing to deposit the entire amount within a week. The statement is accepted. As there is delay on the part of the Applicant to comply with order dated 04.09.2007, they have to pay cost of Rs.10,000/- to the Respondent-Claimants also.

4 In view of these facts, following order is passed:

a. The operation and implementation of the impugned judgment and award is stayed till hearing and final disposal of the First Appeal subject to the Applicant

Insurance Co. depositing the entire awarded amount with interest in the Tribunal on or before 08.11.2019 failing which the Civil Application shall stand dismissed without further reference to the court.

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 Applicant shall pay Rs.10,000/- by way of cost for delay in depositing the amount as per order dated 04.09.2007 to the Respondent-Claimants or their Advocate or deposit in the Registry of this court on or before 08.11.2019

d. If the amount of cost is deposited within stipulated time as stated hereinabove, the Respondent-Claimants are entitled to withdraw the same unconditionally.

e. As the Appellant Insurance Co. has not deposited the amount, place the Civil Application No.3328/2019 filed by the Respondent-Claimants for withdrawal amount on 22.11.2019, for hearing.

f. The Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)