

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

**CIVIL APPLICATION NO. 1372 OF 2017  
IN  
FIRST APPEAL NO. 390 OF 2017**

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| 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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Amol Gatne for the Applicant.  
Rajan pawar for Respondents.

**CORAM: K.K.TATED, J.  
DATED : OCTOBER 1, 2019**

**PC.**

- 1 Heard Learned Counsel for the parties.
  
2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and award dated 05/03/2016 passed by the Motor Accident Claims Tribunal Malegaon, Dist. Nashik in Motor Accident Claim Petition No. 26/2012.
  
3. The Learned Counsel for the Applicant submits that the Applicant has already deposited the entire awarded amount with interest in the Tribunal as per earlier order

dated 19/06/2018 passed by this Court. He further submits that even the Respondents/Original Claimants were permitted to withdraw the sum of Rs. 2,50,000/- as per earlier order dated 19/06/2018 in Civil Application No. 50 of 2018.

4. The Learned Counsel for the Applicant submits that in view of subsequent development that the awarded amount deposited by them is already withdrawn by the Original Claimants, this Hon'ble Court be pleased to allow the Civil Application in terms of prayer clause (b).

5. Considering the submission made by the Learned Counsel for the Applicant and as the awarded amount deposited by the Applicant in Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, the following order:

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

*"b. Your Lordship be pleased to stay the execution, operation and implementation of the impugned Judgment and order/Award dated 05/03/2016, passed by the Member, M.A.C.T., Malegaon, Dist. Nashik in M.A.C.P*

*No. 26 of 2012, till the final hearing and disposal of the First Appeal, as against the Applicant.”*

b. The Tribunal is directed to invest the remaining amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. The Civil Application is disposed of accordingly.

d. No order as to costs.

**(K.K.TATED, J.)**