

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

CIVIL APPLICATION NO.1879 OF 2017

IN

FIRST APPEAL (ST.) NO.17170 OF 2017

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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Mr.S.S.Jinsiwale for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 30, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 28.12.2016 passed by MACT, Thane in MACP No.459 of 2014. He submits that they already deposited entire awarded amount in the Tribunal as per earlier order passed by this court.

3 The learned counsel for the Applicant submits that pending the hearing and final

disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award passed by Tribunal. He submits that if entire amount is withdrawn by the Respondent Claimant, then nothing will survive in the present proceeding.

4 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as entire amount is deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5 Hence, the following order:

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

"(b) Pending the hearing and final disposal of the present Appeal this Hon'ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursuant to the impugned Judgment and Award dated 28th December 2016, passed by the Learned Member, of M.A.C.T. Thane, in M.A.C.P. No.459 of 2014."

B) Registry is directed to transfer sum of Rs.25,000/- deposited by the Appellant at the time of filing First Appeal with accrued interest if any, to the MACT, Thane in the account of MACT, Thane in MACP No.459 of 2014.

C) Tribunal is directed to deposit entire awarded amount in fixed deposit of any nationalised bank initially for a period of one year and same to be continued till further orders.

D) Liberty granted to the Claimant to make appropriate Application for withdrawal of amount and that Application be decided on its own merits.

E) Civil application stands disposed of accordingly.

(K.K.TATED, J.)