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

**CIVIL APPLICATION NO. 2719 OF 2017
IN
FIRST APPEAL (STAMP) NO. 17177 OF 2017**

IFCO Tokiya General Insurance Co. Ltd. .. Applicant
Vs.
Shri Sagar Ramakant Chevale & Anr. .. Respondents

Ms. Nisha Gandhi I/b Res Juris for the Applicant.
Mr. Rajan S. Pawar for Respondent No.1.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Heard learned Counsel for the parties.
2. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the impugned Judgment and Award dated 09.12.2016 passed by the Motor Accident Claim Tribunal, Nashik in Motor Accident Claim Petition No. 238 of 2012.
3. Learned Counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. Statement is accepted. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of the impugned Judgment and Award till the hearing and final disposal of the First Appeal.
4. Learned Counsel for the Respondent-Claimant submits that they preferred Civil Application (Stamp) No. 3546 of 2019 for withdrawal and that be decided on its own merits.

5. Considering the submission made by learned Counsel for the Applicant and averments in the Civil Application, I am satisfied that the Applicant has made out case for following order:

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

“(b) Pending the hearing and final disposal of the first appeal, the execution, implementation and operation of Judgment and award dated 09.12.2016 passed by the Learned Member, Motor Accident Claims Tribunal, Nashik in MACP No. 238 of 2012 may kindly be stayed.”

(ii) The Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.

(iii) Civil Application (Stamp) No. 3546 of 2019 preferred by the Respondent-Claimant for withdrawal will be decided on its own merits.

(iv) Civil Application stands disposed of accordingly.

[K. K. TATED, J.]