

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

**CIVIL APPLICATION NO.4213/2007
IN
FIRST APPEAL NO.506/2017**

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. Shyamsunder Solanke i/b Pratap Patil, Advocate for applicant.
Advocate Jitendra S. Chinchambekar i/b Vishwajeet Sagare for
Respondent No.4.

**CORAM : K. K. TATED, J.
DATE : JUNE 12, 2019.**

P.C.:

Heard learned counsel for parties.

2. Though other respondents are duly served, no one appeared when the matter is called out.

3. By this civil application applicant, owner of the vehicle, is seeking stay of the operation and implementation of impugned judgment and award dated 25.8.2006 passed by MACT Sangli, in

MACP No.279/1999 holding that, respondent/claimant is entitled to total compensation of Rs.41000/- alongwith interest @ 7.5 pa.

4. Learned counsel Mr.Solanke for applicant submits that as per order dated 27.8.2007 they already deposited Rs.26000/- in the Tribunal. He submits that pending hearing and final disposal of present first appeal, operation and implementation of impugned judgment and award be stayed.

5 It is to be noted that in the proceeding, Tribunal has awarded sum of Rs.41000/- by way of compensation. This being compensation, Applicant has to deposit entire awarded amount.

6 Hence, the following order.

A) Civil application is allowed in terms of prayer clause (a) which is reproduced below, with condition that applicant to deposit the remaining awarded amount alongwith the interest in the tribunal, within 4 weeks from the date of uploading this Order on High Court Webside, failing which the civil application shall stand dismissed without referring back to the court. Prayer clause (a) reads thus;

a) Pending hearing and final disposal of First Appeal, the Judgment and Award dated 25.8.2006 passed by Motor Accident Claims Tribunal, Sangli in Motor Accident Claim Petition No.279/1999 be stayed.

B) If the amount is deposited within stipulated period as stated above, the respondent/claimant is entitled to withdraw 15% amount without furnishing any security but subject to outcome of first appeal.

C) Tribunal is directed to invest remaining amount in fixed deposit in any nationalized bank, initially for a period of one year and same be continued till further orders.

D) Liberty granted to respondent if he so desire to prefer an application for withdrawal of further amount and that will be decided on its own merits.

E) Civil application disposed of.

F) No order as to cost.

(K.K.TATED, J.)