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

**CIVIL APPLICATION NO. 4319 OF 2016
IN
FIRST APPEAL NO. 1479 OF 2016**

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. A. P. Kulkarni for the Appellant.

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

P. C. :

1. Not on board. At the request of learned Counsel for the Appellant, taken on production board.
2. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the impugned Judgment and Award dated 29.12.2015 passed by Motor Accident Claim Tribunal, Palghar in Motor Accident Claim Petition No. 177 of 2010 holding that the Respondent-Claimant is entitled for compensation of Rs.1,30,000/- with interest @ 7% p.a.
3. Learned Counsel for the Applicant, on instructions, submits that the Applicant-Insurance Company is ready and willing to deposit the entire amount awarded in the Tribunal within four weeks from today.
4. Considering the submission made by learned Counsel for the Applicant, averments in the Civil Application and as the Applicant is ready

and willing to deposit the entire awarded in the Tribunal within four weeks from today, I am satisfied that the Applicant has made out case for following order:

(i) Civil Application is allowed in terms of prayer Clause (a) on condition that they have to deposit the entire amount awarded in the Tribunal on or before 03.05.2019, failing which, the Civil Application shall stand dismissed without referring back to this Court. Prayer Clause (a) reads thus:

“(a) That pending hearing and final disposal of the present First Appeal, the effect, operation and implementation and execution of the impugned Judgment and Award dated 29/12/2015 passed by the Motor Accident Claim Tribunal, Palghar in M. A. C. P. No. 177 of 2010 and disbursal of amount thereunder, be kindly stayed.”

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

(iii) Liberty granted to the Respondent-Claimant, if he so desires, to prefer an appropriate application for withdrawal of further amount, which will be decided on its own merits.

(iv) The Civil Application is disposed of accordingly.

(v) No order as to costs.

[K. K. TATED, J.]