

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.2937/2013
in
First Appeal (ST) No. 19110/2013

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
	Ms. Ruchita Dave I/b. S. S. Vidhyarthi for the Applicant Mr. Jayant J. Bardeskar for Respondent No.1.

CORAM: K.K.TATED, J.
DATED : AUGUST 28, 2019

P.C.

1 Heard. None appeared for the Respondent No.2 though duly served.

2 By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the impugned judgment and award dated 30.11.2012 passed by the MACT, Kolhapur in MACP No.695/2009 awarding sum of Rs.18,00,253/- in favour of the Respondent-Claimant.

3 The learned counsel for the Applicant submits that they have already deposited the entire awarded amount in the Tribunal. The statement

is accepted. She submits that pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that if the entire amount is withdrawn by the Respondent-Claimant by filing execution application, then nothing will survive in the present proceedings.

4 On the other hand, the learned counsel for Respondent No.1 submits that he has filed Civil Application No.2595/2019 for withdrawal of the amount.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in the Civil Application, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The impugned judgment and award dated 30.11.2012 passed by the MACT Kolhapur in MACP No.695/2009 is stayed till the hearing and final disposal of the First Appeal.

b. The Tribunal is directed to invest the awarded amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits.

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)