

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.92 OF 2018
IN
FIRST APPEAL (ST) NO.18914 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. Yogesh Dabake, AGP for applicant.
Mr. Dattatraya Adarkar I/b Juris Consultants
Combine for respondent Nos.1 and 2.

**CORAM : K. K. TATED, J
DATE : MARCH 29, 2019**

P.C.:

1. Heard learned Counsel for parties.
2. Learned AGP submits that by this Civil Application, they are seeking stay of the operation and implementation of the impugned judgment and award dated 19.11.2016 passed by Motor Accident Claim Tribunal, Mumbai in Motor Accident Claim Petition No.197 of 2013.
3. The learned AGP for appellant submits that they already deposited entire

awarded amount in the tribunal. Statement is accepted. The learned AGP submits that if the entire amount is withdrawn by the respondent/claimants, then nothing will survive in the present First Appeal. 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 passed by the tribunal till the hearing and final disposal of the First Appeal.

4. On the other hand, the learned Counsel appearing on behalf of respondent/original claimant submits that they already preferred Civil Application (st) No.18197 of 2018 for withdrawal of the amount that application to be heard on its own merits.

5. Considering the submissions made by learned Counsel for the applicant, averments made in Civil Application, I am satisfied that the applicant has made out case for allowing this Civil Application. Hence,

following order :-

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

“(b) that this Hon'ble Court be pleased to stay the operation, implementation and execution of the Judgment and Order dated 19.11.2016 passed by the Learned Chairman, Motor Accident Claims Tribunal at Mumbai in M.A.C.P. Application (No.197 of 2013), till the hearing and final disposal of abovementioned First Appeal;”.

b) Tribunal is directed to invest the entire awarded amount in the fixed deposit account of any Nationalized Bank and same shall be continued till further orders.

c) Civil Application (st) No.18197 of 2018 preferred by the claimants to be heard on its own merits.

d) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)