

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

Civil Application No.3486/2017  
in  
First Appeal No.1232/2017

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| 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. S. M. Dange for the Applicant  
Mr. Bharat Gadhavi for the Respondent

**CORAM: K.K.TATED, J.**  
**DATED : AUGUST 13, 2019**

**P.C.**

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 07.04.2017 passed by the MACT, Mumbai in claim application No.463/2011 holding that the Respondent-Claimant is entitled to sum of Rs.64,22,000/- by way compensation with interest @ 9% p.a. from the date of filing the application till realisation of the amount. The learned counsel for the Applicant submits that they have already deposited the entire awarded amount with interest in the Tribunal. The statement is accepted. He submits that pending the hearing and final disposal of the First Appeal, the

operation and implementation of the impugned judgment and award be stayed till hearing and final disposal of the First Appeal. He submits that if the entire amount is recovered by the claimants then nothing will survive in the present proceedings.

2 On the other hand, the learned counsel for Respondent No.1 - claimant submits that they have already preferred Civil Application (ST) No.35326/2017 for withdrawal of the amount.

3 Considering the submissions made by the learned counsel for the Applicant, the averments made in the Civil Application and as the entire awarded amount is deposited in the Trial Court, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, following order is passed:

a. The operation and implementation of the impugned judgment and award dated 07.04.2017 passed by the MACT, Mumbai in claim application No.463/2011 is

stayed till hearing and final disposal of the First Appeal.

b. The Tribunal is directed to invest the 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.)**