

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

CIVIL APPLICATION NO.4040 OF 2015

IN

FIRST APPEAL (ST.) NO.20911 OF 2015

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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Ms.Deepika Prabhala i/b M/s.Res Juris for the
applicant

**CORAM : K. K. TATED, J
DATE : JULY 26, 2019**

P.C.:

. Heard.

2 Though Respondent is duly served, no one appeared on behalf of him when the matter was called out.

3 By this Civil Application, Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 19.1.2015 passed by learned Member, MACT, Nashik in MACP No.200 of 2010.

4 The learned counsel for the Applicant

makes a statement that they already deposited entire awarded amount in the Tribunal. Statement is accepted. She submits that during the pendency of the present First Appeal, the operation and implementation of the impugned judgment and award be stayed. She submits that if entire amount is withdrawn by the Respondent original Claimant then nothing will survive in the present proceedings.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 7 of the impugned judgment and award, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

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

"(b) Pending hearing and final disposal of the first appeal the execution, implementation and operation of judgment and award dated 19.01.2015 passed by the Learned Member, Motor Accident Claims Tribunal, Nashik, in MACP No.200 of 2010 may kindly be stayed."

B) Tribunal is directed to invest the entire 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 Respondent original Claimant if he so desires to prefer appropriate Application for withdrawal of amount and that Application be decided on its own merits.

D. Civil application stands disposed off accordingly.

E. No order as to costs.

(K.K.TATED, J.)