

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

**CIVIL APPLICATION NO.2600 OF 2019
IN
FIRST APPEAL NO.1021 OF 2019**

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.Devendranath S. Joshi for the Applicant

Ms.Varsha Chavan for the Respondent no.1

**CORAM : K. K. TATED, J
DATE : AUGUST 22, 2019**

P.C.:

. Not on board. At the request of advocate for the appellant, matter is taken on production board for urgent orders.

2 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 2.3.2019 passed by MACT, Mumbai in MACP No.1977 of 2014 holding that Respondents original Claimants

are entitled sum of Rs.23,34,747/- by way of compensation with interest @ 7.5% p.a.

3 The learned counsel for the Applicant submits that Respondent original Claimant filed Execution Application for recovery of entire amount. He submits that in that Execution Application, executing court already passed order for attaching property. That order was passed on 19.8.2019. Hence, there is urgency. He further submits that he received instruction that they are ready and willing to deposit entire awarded amount within four weeks from today. 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 Tribunal.

4 On the other hand, the learned counsel for the Respondent original Claimant vehemently opposed the present Civil Application. She submits that Tribunal after considering the evidence on record, rightly held that Claimants are entitled compensation to the extent of Rs.23,34,747. Hence, there is no question of granting any stay.

5 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as

Applicants are ready and willing to deposit entire awarded amount in the Tribunal within four weeks from today, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

A. Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit entire awarded amount with interest in the Tribunal within four weeks from today failing which Civil Application shall stand dismissed without referring back to the court. Prayer clause (a) which reads thus:

“(a) Pending the hearing and final disposal of the appeal, this Hon’ble Court, by an order of stay, may kindly stay the operation, implementation and execution of the part of the impugned judgment and award dated 02/03/2019 passed by the Motor Accident Claims Tribunal, Mumbai in M.A.C.P. No.1977 of 2014.”

B. If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to invest the said amount in fixed deposit of any nationalized bank initially for a

period of one year and same be continued till further orders.

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

D. Civil Application stands disposed of accordingly.

E. No order as to costs.

(K.K.TATED, J.)