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

**CIVIL APPLICATION NO. 3060 OF 2017
IN
FIRST APPEAL NO. 1102 OF 2017**

IFFCO TOKIO General Insurance Co. Ltd.Applicant

V/s.

Maya Kalyan Jadhav and anotherRespondents

Ms. Varsha Chavan for the applicant
Mrs. Sangeeta Salvi for respondents

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2019.

P.C.

Heard the learned counsel for the applicant and for the respondent.

2 By this Civil Application, applicant Insurance Company is seeking stay of operation and implementation of Award dated 01/09/2016 passed by Motor Accident Claims Tribunal at Thane in MACP No. 247 of 2014.

3 Advocate for the applicant submits that they have already deposited entire awarded amount in the Tribunal. Statement is accepted. She submits that in view of this fact, operation and implementation of Award dated 01/09/2016 be stayed till hearing and final disposal of First Appeal.

4 On the other hand, the learned counsel appearing on behalf of respondent submits that they have preferred Civil Application No. 4272 of 2018 for withdrawal of the amount. That application required to be heard on its own merits.

5 Considering the submissions made by the learned counsel for the applicant, the averments made in the Civil Application and the applicant deposited entire amount in Tribunal, I am satisfied that applicant has made out a case for allowing the Civil Application. Hence, following order:

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

“(a) That pending the hearing and final disposal of this appeal, the implementation and/or the execution of the Award dated 1.9.2016 passed by Shri. K. D. Vadane, Member, MACT, Thane in MACT application No. 247 of 2014 be kindly stayed.”

(II) Tribunal is directed to invest the entire amount in fixed deposit in any nationalized bank initially for a period of one year and same to be continued till further orders.

(III) Civil Application No. 4272 of 2018 preferred by the applicant to be decided on 29/03/2019, on its own merits after hearing both sides.

(IV) No order as to costs.

(V) Civil Application stands disposed of accordingly.

[K. K. TATED, J.]