

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3862 OF 2011
IN
FIRST APPEAL (ST) NO. 23107 OF 2011

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.

CORAM: K.K.TATED, J.
DATED : 26/08/2019

P.C.

- 1 Heard learned Counsel for the Applicant.
- 2 Though, the Respondents are duly served, no one appeared on behalf of them, when the matter called out.
- 3 The learned Counsel for the Applicant submits that by this Civil Application, they are seeking stay of the operation and implementation of the Judgment and Award dated 16.12.2010 passed by MACT, Mumbai in Application No. 3601 of 1999 holding that the Respondents original Claimants are entitled to a sum of Rs.2,48,000/- by way of compensation with interest @ 6 % p.a.
- 4 The learned Counsel for the Applicant submits that as per the earlier order dated

20.09.2011, they already deposited the entire awarded amount in the Tribunal . Statement is accepted.

5 The learned Counsel for the Applicant submits that they have good chance of success in the present matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the operation and implementation of the Judgment and Award passed by the Tribunal.

6 The learned Counsel for the Applicant submits that the sum of Rs.25,000/- deposited by them at the time of filing the First Appeal be transferred to the Tribunal.

7 Considering the submissions made by the learned Counsel for the Applicant, averments made in Civil Application and as the Applicant has deposited the entire amount as per order dated 20.09.2011, I am satisfied that Applicant has made out a case for allowing this Civil Application.

8 Hence, the following order is passed:

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

“a) Pending hearing and final disposal of the abovementioned First Appeal, the execution of the Judgment and Award dated 16.12.2010, passed in Application No.3601 of 1999 by Chairman, Motor Accident Claims

Tribunal, Mumbai, be stayed.”

b) The Tribunal is directed to invest the amount in fixed deposit of any nationalised bank, initially for a period of one year and same to be continued till further order.

c) Liberty is granted to the Respondents-Claimants, if they so desire, to prefer an appropriate application for withdrawal of amount and that to be decided on its own merits.

d) The Registry is directed to transfer a sum of Rs.25,000/- deposited by the Applicant at the time of filing of First Appeal along with accrued interest, if any, to the MACT, Mumbai in account of Application No. 3601 of 1999, immediately.

e) Civil Application stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)