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

**CIVIL APPLICATION NO. 4603 OF 2013
IN
FIRST APPEAL NO. 89 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. Poonam Mittal I/b D. R. Mahadik for the Applicant.

CORAM : K. K. TATED, J.
DATE : 28th MARCH, 2019.

P. C. :

1. Heard learned Counsel Ms. Mittal for the Applicant.
2. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the Judgment and Award dated 19.03.2013 passed by Motor Accident Claim Tribunal, Alibag in Motor Accident Claim Petition No. 678 of 2006 holding that the Respondent-Claimant is entitled for compensation of Rs.9,22,775/- with interest @ 6% p.a.
3. Learned Counsel for the Applicant submits that they have already deposited the entire awarded amount along with interest in the Tribunal. Statement is accepted.
4. Learned Counsel for the Applicant 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 dated 19.03.2013 till the hearing and final disposal of the First Appeal. Learned Advocate submits that, if the entire amount is withdrawn by the claimants, then nothing will survive in First Appeal. She submits that they have good chance of success in the present Appeal.

5. As the Applicant has already deposited the entire awarded amount in the Tribunal and the First Appeal is admitted, I satisfied that the Applicant has made out case for following order:

- (i) Operation and implementation of the impugned Judgment and Award dated 19.03.2013 passed by Motor Accident Claim Tribunal, Alibag in Motor Accident Claim Petition No. 678 of 2006 is stayed till hearing and final disposal of the First Appeal.
- (ii) The Tribunal is directed to invest the amount in a fixed deposit in any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.
- (iii) Respondent-original Claimant Shri Suryakant Maya Mhatre is entitled to withdraw sum of Rs.2,50,000/- without furnishing any security.
- (iv) Liberty granted to the Respondent-original Claimant, if he so desires, to prefer an appropriate application for withdrawal of remaining amount, which will be decided on its own merits.
- (v) The Civil Application is disposed of accordingly.
- (vi) No order as to costs.

[K. K. TATED, J.]