

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

**CIVIL APPLICATION NO. 2687 OF 2019  
IN  
FIRST APPEAL (ST.) NO. 21526 OF 2019**

|                                                                                                           |                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders.                                                                                                 |
|                                                                                                           | Chaitali Kandare i/b Navdeep Vora Associates for the Applicant.<br>Megha Navadhare i/b Avinash Gokhale for the Respondent. |

**CORAM: K.K.TATED, J.  
DATED : OCTOBER 1, 2019**

**P.C.**

1 Heard.

2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and award dated 23/08/2018 passed by the Motor Accident Claims Tribunal, Mumbai in Application No. 85/2012 holding that the Respondent/Original Claimant is entitled compensation of Rs. 9,12,387/- with interest @ 8% p.a.

3. The Learned Counsel for the Applicant submits that, pending the hearing and final disposal of the First Appeal, this Hon'ble

Court be pleased to stay the operation and implementation of the Judgment and award. She submits that, if the entire amount is recovered by the Respondent/Original Claimant by filing execution application then nothing will survive in the present proceeding.

4. The Learned Counsel for the Applicant further submits that, that they have good chance of success in the present matter. She submits that, she has received instructions from her client that they are ready and willing to deposit the entire awarded amount in the Tribunal within four weeks from today.

5. Considering the submission made by the Learned Counsel for the Applicant and the averments made in Civil Application and as the Applicant is ready and willing to deposit the entire awarded amount in Tribunal within four weeks from today, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

a. Civil Application is allowed in terms of prayer clause (a) on a condition that the Applicant to deposit the entire awarded

amount with interest in the Tribunal on or before 08/11/2019 failing which, Civil Application shall stand dismissed without further reference to the Court. Prayer clause (a) reads thus:

*“a. pending the hearing and final disposal of this Appeal, the impugned Judgment and order dated 23/08/2018, passed by the Motor Accident Claims Tribunal at Mumbai in Motor Accident Claim Application No. 85/2012 directing the Applicant Undertaking to pay a sum of Rs. 9,12,387/- (Rupees Nine Lac Twelve Thousand Three Hundred Eighty Seven Only) with interest @ 8% p.a. be stayed.”*

b. If the amount is deposited within time, The Tribunal is directed to invest the said amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. The Respondent/Original Claimant is granted liberty to take out appropriate application for withdrawal of the awarded amount which shall be decided on merits on its own merits.

d. Civil Application stands disposed of accordingly.

e. No order as to costs.

**(K.K.TATED, J.)**