

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 436 OF 2019
IN
FIRST APPEAL NO. 131 OF 2019

Office Notes, Office
Memoranda of
Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders.

Mr. Nikhil Mehta I/b KMC Legal Venture for
the Applicant.

CORAM: K.K.TATED, J.
DATED : 03/09/2019

P.C.

1 Heard learned Counsel for the
Applicant.

2 By this Civil Application, the Applicant is
seeking stay of the operation and
implementation of the Judgment and Award
dated 05.05.2018 passed by MACT, Solapur
in MACP No. 145 of 2016.

3 The learned Counsel for the Applicant
submits that he received instructions from
his client that they are ready and willing to
deposit the entire amount with interest
within four weeks from today. Statement is
accepted.

4 Considering the submissions made by
the learned Counsel for the Applicant and

observations made by the Tribunal and as Applicant is ready and willing to deposit the entire amount in the Tribunal on or before 05.10.2019, I am satisfied that Applicant has made out a case for allowing this Civil Application.

5 Hence, the following order is passed:

a) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit the entire awarded amount with interest in the Tribunal on or before 05.10.2019, failing which Civil Application shall stand dismissed without further reference to the Court. Prayer clause (a), reads thus:

“a) That this Hon'ble Court be pleased to stay the execution of Judgment and Award dated 05.05.2018 passed in MACT Application No. 145 of 2016 by Shri. S.S.Jagtap, Member Motor Accident Claims Tribunal @ Solapur for Solapur.”

b) If amount is deposited within stipulated time, 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) Civil Application stands disposed of accordingly.

e) No order as to costs.

(K.K.TATED, J.)