

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

CIVIL APPLICATION NO.4189 OF 2017

IN

FIRST APPEAL (ST) NO.24586 OF 2017

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.Nikhil Mehta i/b M/s.KMC Legal Venture
for the applicant

**CORAM : K. K. TATED, J
DATE : APRIL 23, 2019**

P.C.:

. Not on board. At the request of Advocate for the Applicant, matter is taken on board for urgent orders.

2 Heard.

3 By this Civil Application, Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 15.04.2017 passed by MACT, Gadhinglaj in MACP No.65 OF 2014 holding that Respondent original Claimants are entitled sum of Rs.5,75,000/- by way of

compensation along with interest @ 9% p.a.

4 The learned counsel for the Applicant submits that Respondent original Claimant filed Execution Application and they received notice to that effect. Hence, there is urgency.

5 The learned counsel for the Applicant submits that he received instruction from the client that they are ready and willing to deposit entire awarded amount in the Tribunal on or before 31.05.2019. Statement is accepted.

6 Considering the submissions made by the learned counsel for the Applicant, the averments made in Civil Application and as Applicants are ready and willing to deposit entire awarded amount along with interest before the Tribunal on or before 31.05.2019, I am satisfied that the Applicant has made out a case for allowing the Civil Application. Hence, following order is passed:

A.`Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit entire awarded amount along with interest in the Tribunal on or before 31.5.2019, failing which Civil Application shall stand dismissed without referring back to the court.

Prayer clause (a) reads thus:

"(a) That this Hon'ble Court be pleased to

stay the effect/execution/operation and implementation of the impugned Judgment and Award dated 16.04.2017 passed in M.A.C.T. Application No.55 of 2014 by SHRI SANJAY DESHMUKH-Member, MACT, GADHINGLAJ @ GADHINGLAJ."

B. If amount is deposited within stipulated time as stated hereinabove, Tribunal is directed to deposit entire awarded amount in fixed deposit of any nationalised bank initially for a period of one year and same to be continued till further orders.

C. Liberty granted to the Claimant to make appropriate Application for withdrawal of further amount and that Application be decided on its own merits.

D. Civil application stands disposed of accordingly.

(K.K.TATED, J.)