

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3413/2015
IN
FIRST APPEAL NO.316/2016

M/s. Oriental Insurance Co. Ltd. ... Applicant
V/s.
Smt. Gayatridevi Hridayanarayan
Dubey and Ors. ... Respondents

Mr. Rupam Ghosh for the Applicant

CORAM: K.K. TATED, J.

DATED : MARCH 13, 2019

P.C. :

1 Heard. By this Application, the Applicant seeks stay of the operation and implementation of the judgment and award dated 09.02.2015 passed by the Member, MACT, Thane in MACP No.706/2011 holding that the Respondent claimant is entitled to sum of Rs.13,92,764/- by way of compensation along with 7% p.a. interest.

2 The learned counsel for the Applicant submits that they have already deposited the entire decretal amount along with interest in the Tribunal. The statement is accepted. 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 till hearing and final disposal of the first appeal.

3 Considering the submissions made by the learned counsel for the Applicant and as the entire decretal amount is deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 Hence, the following order is passed:

a. The operation and implementation of the judgment and award dated 09.02.2015 passed by the Member, MACT, Thane in MACP No.706/2011 is stayed till further orders.

b. The Tribunal is directed to invest the decretal amount deposited by the Appellant, in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till further orders.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of the decretal amount, if they so desire, which will be decided on its own merits

d. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K. K. TATED, J.)