

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 596 OF 2019
IN
FIRST APPEAL NO. 172 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. D.S. Joshi for the Applicant.

CORAM: K.K.TATED, J.
DATED : 16/09/2019

P.C.

1 Heard learned Counsel for the Applicant.

2 By this Civil Application, the Applicants are seeking stay of the operation and implementation of the Judgment and Award dated 13.04.2018 passed by MACT, Karad in MACP No. 62 of 2013 holding that the Respondents original Claimants are entitled to a sum of Rs. 7,11,000/- by way of compensation with interest @ 6 % p.a. from the date of filing of the petition till realisation of the entire amount.

3 The learned Counsel for the Applicant submits that on the date of accident i.e. 16.03.2013, the driver of the offending

vehicle was not holding valid licence. In support of this contention, the learned Counsel for the applicant relies on paragraph 20 of the impugned judgment. He submits that they have good chance of success in the present matter. 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 passed by the Tribunal. He submits that if entire amount is recovered by the Respondents Claimants in Execution Application, then nothing will survives in this First Appeal.

5 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.

6 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 19.10.2019, I am satisfied that Applicant has made out a case for allowing this Civil Application.

7 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 19.10.2019, 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 the appeal, this Hon'ble Court by an order of stay, may kindly stay the operation and implementation and execution of the impugned judgment and award dated 13/04/2018 passed by the Motor Accident Claims Tribunal Karad in MACP No. 62 of 2013”

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. No order as to costs.

(K.K.TATED, J.)