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

CIVIL APPLICATION No. 2494 OF 2015

IN

FIRST APPEAL (ST) No. 29254 OF 2014

National Insurance Co. Ltd.
through Its Mumbai Regional Office ..Applicant
Vs.
Mrs. Vandana Sunil Bhujade and Anr. ..Respondents

Mrs. Harshada M. Rane for Applicant
Mr. Omkar Paranjpe I/b. A.M. Gokhale for Respondent No.1

CORAM : SHRI K.K. TATED, J.

DATE : MAY 02, 2019

P.C.:

- 1 Heard learned counsel for the parties
2. By this civil application, the Applicant Insurance Company is seeking stay of the operation and implementation of the impugned judgment and award dated 8th January, 2014 passed by the Motor Accident Claim Tribunal, Thane in MACP No.526 of 2007.
3. The learned counsel for the Applicant submits that as per earlier order dated 28th August, 2015 passed by this Court, they have already deposited the entire awarded amount in Tribunal. Statement is accepted.
4. The learned counsel for the Applicant submits that if the entire amount is withdrawn by the Respondents/Claimants, then nothing will survive in the present proceeding. She submits that they have good chance of success in the proceeding. She submits that pending the hearing and final disposal of the First Appeal, the operation and

implementation of the impugned judgment and award may be stayed.

5. Considering the submissions made by the learned counsel for the Applicant and the averments made in the civil application, I am satisfied that the Applicant has made out a case for allowing this civil application. Hence, following order.

ORDER

(A) Civil application is allowed in terms of prayer clause (a), which reads thus:

“a. Pending the hearing and final disposal of the Appeal this Hon'ble Court be pleased to stay the operation of the impugned Judgment and Award dated 8th Janaury, 2014 passed by the Hon'ble Member, MACT Thane allowing the Claim Petition bearing No. 526 of 2007 and directed this Applicant alone to pay the amount of Compensation of Rs.7,02,656/- (Rupees Three Lakhs Twenty Seven Thousand only) to the Respondent no.1 with interest at the rate of 7% from date of application till realization.”

(B) The Tribunal is directed to invest the awarded amount in fixed deposit of the nationalized bank, initially for a period of one year and same to be continued till further orders.

(C) Liberty is granted to the Respondent/Claimant, if he so desires to file application for withdrawal of the awarded amount and the same be decided on its own merits.

(D) Civil Application stands disposed of accordingly.

(E) No order as to costs.

[K.K. TATED, J.]