

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

**CIVIL APPLICATION NO.288 OF 2015
IN
FIRST APPEAL NO. 895 OF 2015**

Maharashtra State Road Transport Corporation Applicant /Appellant

Versus

Mrs. Vaishali Ramdas Jadhav and Ors. Respondents.

Mr. C.M. Lokesh i/b. Mr. G.S. Hegde for the Appellant.
Mr. Soanam A. Panse a/w. Mr. Ajinkya Udane for Respondent Nos.1 to 5
Mr. Ketan Joshi for Respondent No.7.

CORAM : K. K. TATED, J.

DATE : 18th SEPTEMBER, 2019

P.C.

Heard learned counsels for the parties.

2. By this Civil Application, the applicant is seeking stay to the operation and implementation of the judgment and award dated 29/05/2014, passed by Motor Accident Claims Tribunal Satara in Motor Accident Claim Petition No.296 of 2009, holding that the respondent/original claimants are entitled to a sum of Rs.12,30,000/- by way of compensation with interest @ Rs.9% per annum.

3. Learned counsel for the applicant submits that, as per order dated 29/01/2015, passed by this Court they deposited entire

awarded amount with interest in Tribunal on 04.03.2015. This Statement is accepted.

4. The learned counsel for the applicant submits that, pending the hearing and final disposal of First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of impugned judgment and award passed by the Tribunal. He submits that, if entire amount is withdrawn by the respondents/claimant, then nothing will survive in the present proceeding.

5. Learned counsel Mr. Panse appearing on behalf of respondent Nos.1 to 5 submits that, they preferred Civil Application for withdrawal of the amount.

6. Considering the submission made by the learned counsel for the applicant and averments made in Civil Application, and as the entire amount is deposited in Tribunal as per earlier order dated 29/01/2019, I satisfied that applicant has made out a case for allowing this Civil Application. Hence, the following order -

(i) Civil Application is allowed in terms of prayer clause (a), which reads thus -

“(a) That pending admission and disposal of the above appeal against the judgment and award judgment and award passed by Motor Accident Claims Tribunal Satara in Motor Accident Claim Petition No.296 of 2009 dated 29/05/2014 be stayed.”

- (ii) Civil Application preferred by respondent Nos.1 to 5 / original claimants to be heard on its own merits.
- (iii) Civil Application stands disposed of accordingly.
- (iv) No order as to costs.

[K. K. TATED, J.]