

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.3824 OF 2018
(for stay)
in
FIRST APPEAL (St) NO.28019 of 2018**

Reliance General Ins.Co Ltd .. Applicant
vs
Manisha Murlidhar Bhaadavkar & ors .. Respondents

Ms.Shalini Shankar for Applicant
Ms.Harshada Rane I.b Ms.Varsha Chavan for Respondent

***CORAM : K.K.TATED, J
DATE : 25th MARCH, 2019***

P.C

Heard learned counsel for the parties.

2. By this Civil Application, the Applicant-insurance company is seeking stay of operation and implementation of judgment and award dated 24.10.2017 passed by the MACT, Mumbai in MAC Petition no.2068 of 2013. Learned Advocate for the applicant submits that as per order dated 10.9.2018 passed by this Court, they have already deposited the entire amount in the Tribunal. Statement is accepted.

3. Learned counsel for the applicant submits that in the

interest of justice, this Hon'ble Court be pleased to stay the operation and implementaiton of the impugned judgment and award till the hearing and final hearing of the First Appeal

4. On the other hand Ms.Rane learned counsel for the respondents submit that they have preferred Civil Application No..4517 of 2019 for withdrawal of the amount and that be decided on its own merits.

5. Considering the submissions of the learned counsel for the applicant and the averments made in the Civil Application, and as the entire amuint is deposited by the appellant, I am satisfied that the applicant has made out a case for allowing the Civil Application. Hence the following order :

O R D E R

(i) Civil Application allowed in terms of prayer clause (a) which reads thus:

“ (a) pending the hearing and final disposal of the present First Appeal, this Hon'ble Court be pleased to stay the effect, implementation and/or execution of the impugned judgment and order dated 24.10.2017 passed by the Hon'ble Court of Member, in Motor Accident Claim Petition No.2068 of 2013.”

(ii) The tribunal is directed to invest the amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till further orders.

(iii) Civil Application (St) No.4517 of 2019 preferred by the claimant for withdrawal of the amount to be decided on its own merits.

(iv) Civil Application stands disposed of.

(v) No costs.

{K.K.TATED, J}