

Amk

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

**CIVIL APPLICATION NO. 130 OF 2017
IN
FIRST APPEAL (STAMP) NO. 30066 OF 2016**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. Amol Gatne for the Applicant.
Mr. P. J. Pawar for the Respondents.

CORAM : K. K. TATED, J.
DATE : 3rd APRIL, 2019.

P. C. :

1. Not on board. At the request of learned Counsel for the Applicant, taken on production board.
2. By this Civil Application, the Applicant-Insurance Company is seeking stay of the operation and implementation of the impugned Judgment and Award dated 30.01.2016 passed by Motor Accident Claim Tribunal, Satara in Motor Accident Claim Petition No. 592 of 2010 holding that the Respondent-Claimant is entitled for compensation of Rs.12,55,000/- with interest @ 7% p.a.
3. Learned Counsel for the Applicant, submits that as per order dated 26.02.2019 passed by this Court, the Applicant-Insurance Company already deposited the entire amount with interest in Motor Accident Claim Tribunal, Satara. Statement is accepted.

4. Learned Counsel for the Applicant submits that as they have already deposited the entire amount awarded in the Tribunal, the operation and implementation of the impugned Judgment and Award be stayed till the hearing and final disposal of the First Appeal. He further submits that if the entire amount is withdrawn by the Claimants, then nothing will survive in the First Appeal.

5. Learned Counsel for the Respondent submits that he may be permitted to take out an appropriate application for withdrawal of the amount.

6. Considering the submission made by the learned Counsel for the parties, averments in the Civil Application and as the entire amount is deposited by the Insurance Company in the Tribunal, I am satisfied that the Applicant has made out case for following order:

(i) Operation and implementation of the impugned Judgment and Award dated 30.01.2016 passed by Motor Accident Claim Tribunal, Satara in Motor Accident Claim Petition No. 592 of 2010 is stayed till further orders.

(ii) The Tribunal is directed to invest the amount in a fixed deposit of any Nationalized Bank, initially for a period of one year and the same shall be renewed from time to time till further orders.

(iii) Liberty granted to the Respondents-Claimant, if they so desire, to prefer an appropriate application for withdrawal of

further amount, which will be decided on its own merits.

(iv) Sum of Rs.25,000/- deposited by the Insurance Company at the time of filing of the First Appeal in the Registry of this Court be transferred to the Motor Accident Claim Tribunal, Satara in the account of MACP No. 592 of 2010 with accrued interest immediately.

(v) The Civil Application is disposed of accordingly.

(vi) No order as to costs.

[K. K. TATED, J.]