

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.801/2018
IN
FIRST APPEAL (STAMP)NO.30646/2017

New India Assurance Co. Ltd. ... Applicant.
Vs.
Smt.Kamal S. More & Ors ... Respondents.

Mr.S.S.Jinsiwale, advocate for applicant.
Mr. Vaibhav Gaikwad for respondent nos.1 to 6.

CORAM : K.K.TATED, J.
DATED : JUNE 17, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, applicant/Insurance company is seeking stay of operation and implementation of impugned judgment and award dated 24.1.2017 passed by M.A.C.T, Satara, in M.A.C.P. No.65/2014 holding that, respondents/claimants are entitled to sum of Rs.13,24,000/- by way of compensation alongwith interest @ 9% p.a.

3. Learned counsel for applicant submits that they already deposited entire awarded amount with interest in the Tribunal. Statement is accepted. He submits that pending the hearing and disposal of first appeal, operation and implementation of impugned judgment and award be stayed. If the entire amount is withdrawn by respondent/claimant then, nothing will survive in the present proceeding.

4. Considering submissions of learned advocate for applicant, averments made in application, I am satisfied that applicant has made out a case for following order.

A) civil application is allowed in terms of prayer clause (b) which reads thus;

b)Pending the hearing and final disposal of the present appeal this Hon'ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursuant to the impugned judgment and award dated 24.1.2017, passed by the learned Member of M.A.C.T. Satara, in MACP No.65/2014.

B) Tribunal is directed to invest entire amount in a Fixed Deposit in any Nationalized bank, initially for a period of one year and thereafter same be continued till further orders.

C) Liberty granted to respondents, if they so desire to make appropriate application for withdrawal of amount, and that application be decided on its own merits.

D) Civil application stands disposed of.

E) No order as to costs.

(K.K.TATED, J.)

