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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO. 3880 OF 2015****IN****FIRST APPEAL (ST) NO. 31410 OF 2014**

The New India Assurance Co. Ltd.

.....Applicant

V/s.

Mrs. Sujata Digamber Ugale and others

.....Respondents

Mrs. Poonam Mital for the applicant

CORAM : K. K. TATED, J.**DATE : MARCH 15, 2019.****P.C.**

Heard the learned counsel for the applicant. Though the respondents are duly served, no one appeared on behalf of them when the matter is called out.

2 By this Civil Application, applicant is seeking stay of operation and implementation of impugned Judgment and Award dated 26/03/2014 passed by Motor Accident Claims Tribunal at Nashik in

Motor Accident Claim Petition No. 711 of 2009 holding that respondents are entitled for compensation of Rs. 17,68,200/- with 9% interest per annum.

3 The learned counsel for the applicant submits that they have already deposited entire amount in the Tribunal. Statement is accepted. The learned counsel submits that if entire amount is withdrawn by the respondent, nothing will survive in the present First Appeal. She submits, in the interest of justice, this Court be pleased to stay the operation and implementation of the impugned Judgment and Award passed by the Tribunal.

4 Considering the submissions made by the learned counsel for the appellant and applicant deposited entire Awarded amount in the Tribunal, I am satisfied that applicant has made out case for allowing Civil Application. Hence, following order:

(I) Operation and implementation of the impugned Judgment and Award dated 26/03/2014 passed by Motor Accident Claims Tribunal at Nashik in Motor

Accident Claim Petition No. 711 of 2009 is stayed till the hearing and final disposal of the First Appeal.

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

(III) Liberty granted to the respondent, if they so desire to make appropriate application for withdrawal of the amount and that application will be decided on its own merits.

(IV) Civil Application stands disposed of accordingly.

(V) No order as to costs.

[K. K. TATED, J.]