

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

**CIVIL APPLICATION NO.4047 OF 2015
IN
FIRST APPEAL NO.1246 OF 2015**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.D.R.Mahadik for the applicant

Ms.Sushama Gor for the respondent

**CORAM : K. K. TATED, J
DATE : APRIL 1, 2019**

P.C.:

. Heard.

2 By this Civil Application, Applicant is seeking stay of the operation and implementation of the impugned judgment and award dated 19.8.2015 passed by MACT Mumbai in MACP No.2695 of 2009.

3 The learned counsel for the applicant

submits that they already deposited entire awarded amount in the Tribunal. Statement is accepted.

4 The learned counsel for the Applicant submits that during the pendency of the First Appeal, operation and implementation of the impugned judgment and award may be stayed. He submits that if entire amount is withdrawn by the Claimant then nothing will survive in the present proceeding.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in Civil Application and as entire amount is deposited by the Applicant Insurance Company in the Tribunal, I am satisfied that the Applicant has made out a case for allowing Civil Application. Hence, following order is passed :

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

"(a) That pending the hearing and final disposal of the appeal, the operation of the

Judgment and
Order dated
19/08/2015 passed
by Hon'ble S.R.
Vadali, Member,
Motor Accident
Claims Tribunal in
M.A.C.T. Application
No.2695 of 2009, be
stayed."

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

C. Liberty granted to the Respondent original Claimant if they so desire to prefer appropriate application for withdrawal of remaining amount and that be decided on its own merits.

D. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)