

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1037/2018
in
First Appeal (ST) No.31825/2017

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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Mrs. Poonam Mittal for the Applicant

CORAM: K.K.TATED, J.
DATED : AUGUST 13, 2019

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. is seeking stay to the operation and implementation of the judgment and award dated 18.01.2017 passed by the MACT Kalyan in MACP No.14/2008 holding that the Respondent-Claimant is entitled to sum of Rs.15,40,800/- with interest @ 9% p.a.

2 The learned counsel for the Applicant submits that as per order dated 28.02.2019 passed by this court, they have already deposited the entire awarded amount in the Tribunal. She submits that they have good chance of success in the matter. She submits that pending the hearing and final disposal of

the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award. She submits that if the entire amount is recovered by the claimants then nothing will survive in the present proceedings. Hence, pending the hearing and final disposal of the First Appeal, this Hon'ble Court be pleased to stay the operation and implementation of the impugned judgment and award.

3 It is to be noted that in spite of service, none appeared for the Respondent. As the Applicant has already deposited the entire awarded amount in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

4 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 First Appeal the order and judgment passed by the Hon'ble Judge A.A.A.Shaikh, Member, MACT, Kalyan in application NO.14 of 2008 dated 18th January, 2017, be stayed.”

b. The Tribunal is directed to invest the amount in a fixed deposit account of any Nationalized Bank, initially for a period of one year and same shall be renewed from time to time till hearing and final disposal of the appeal.

c. Liberty granted to the claimants to prefer an appropriate Application for withdrawal of amount, if they so desire, which will be decided on its own merits

d. The Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)