

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.3526/2013

in

First Appeal No. 189/2015

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders.

Mr. Devendranath Joshi for the Applicant

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

P.C.

1 Heard. By this Civil Application, the Applicant Insurance Co. seeks stay to the operation and implementation of the impugned judgment and award dated 29.03.2012 passed by the MACT, Karad in MACP No.200/2009 holding that the Respondent-Claimant is entitled to sum of Rs.10,500/- by way of compensation with interest @ 6%. p.a.

2 The learned counsel for the Applicant submits that in the present proceedings the Respondent-Claimant was admittedly driving the offending vehicle and therefore, there is no question of holding the Insurance Co. responsible on the basis of third party insurance policy. He submits that the Applicant has good chance of success in the matter. He submits that in the interest of justice, this Hon'ble Court be pleased to stay the impugned award till hearing and final disposal of the first appeal

3 Considering the submissions made by the learned counsel for the Applicant, the impugned order and as the entire awarded amount has been deposited by the Insurance Co., I am satisfied that the Applicant has made out a case for allowing the present Application.

4 Hence, following order is passed

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

“(a) Pending the hearing and final disposal of the appeal, this Hon’ble Court, by an order of stay, may kindly stay the operation, implementation and execution of the impugned judgment and award dated 29.03.2012 passed by the MACT, Karad in MACP NO.200/2009.”

b. The Tribunal is directed to invest the awarded amount in a fixed deposit of any Nationalized Bank, initially for a period of one year which shall be renewed from time to time till further orders.

c. The respondent – claimant is granted liberty to take out appropriate application for withdrawal of the awarded amount, which shall be decided on its own merits.

d. Civil Application stands disposed of accordingly.

(K.K.TATED, J.)