

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.29/2018
IN
FIRST APPEAL (ST)NO.33531/2017

State of Maharashtra & Anr. Applicants.
Vs.
Ashok Pal ... Respondent.
AGP Mrs.Tanaya Goswami for applicants.

CORAM : K.K.TATED, J.
DATED : AUGUST 5, 2019.

P.C.

Heard learned counsel for parties.

2. By this civil application, the applicant/defendant no.1 is seeking stay of operation and implementation of Judgment and Order dated 30.3.2016 passed by District Judge-4 & Member, MACT, Thane, in MACP No.453/2004 holding that, applicant/defendant no.1 to pay sum of 12,97,160/- by way of compensation with interest @ 7% pa.

3. Learned AGP for applicants submits that pending hearing and final disposal of First Appeal, operation and implementation of impugned Judgment and Award be stayed. She submits that if entire amount is recovered by Respondent by filing execution application then nothing will survive in the present proceeding. She

submits that they have good chance of success.

4 Considering the submissions made by learned AGP for applicant and impugned Judgment and Award, passed by the Tribunal, I am satisfied that applicants have made out case for following order.

A) Civil Application is allowed in terms of prayer clause (b) which is reproduced below on condition that, applicant to deposit entire amount with interest in the Tribunal on or before 5.10.2019 failing which civil application shall stand dismissed without referring back to the Court.

“b)That this Hon'ble Court be pleased to stay the operation, implementation and execution for the Judgment and Order dated 30.3.2016 passed by the Learned District Judge 4 & Member, Motor Accident Claims Tribunal Thane, in MACP No.453/2004 till the hearing and final disposal of abovementioned First Appeal.”

B) If amount is deposited, Tribunal is directed to invest 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/claimants if they so desire to prefer appropriate application for

withdrawal of amount and that application will be decided on its own merits.

D) Civil Application stands disposed of.

E) No order as to cost.

(K.K.TATED, J.)

