

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

**CIVIL APPLICATION NO. 2146 OF 2016
IN
FIRST APPEAL (ST.) NO. 35652 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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Shrikant Dange for the Applicant.
S. S. Redekar i/b Ergo Juris for Respondent
Nos. 1 & 2.

**CORAM: K.K.TATED, J.
DATED : OCTOBER 1, 2019**

PC.

1 Heard.

2. By this Civil Application, the Applicant is seeking stay of the operation and implementation of the Judgment and award dated 07/07/2015 passed by the Motor Accident Claims Tribunal, Nashik in Motor Accident Claim Petition No. 1313/2012.

4. The Learned Counsel for the Applicant submits that as per earlier order dated 16/08/2017 passed by this Court, they have already deposited the entire awarded amount. He 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 passed by the Tribunal.

5. On the other hand, the Learned Counsel for the Respondents/Original Claimants submits that they have already preferred Civil Application (St.) No. 4469/2018 for withdrawal of the amount and the same is pending for hearing and final disposal on its own merits.

6. Considering the submission made by the Learned Counsel for the Applicant and as the Applicant has deposited the entire awarded amount in Tribunal, I am satisfied that the Applicant has made out a case for allowing this Civil Application. Hence, the following order:

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

“a. Pending the hearing and final disposal of the above appeal, the judgment and award dated 07/07/2015 passed by Member, Motor accident Claims Tribunal, Nashik In MACP No. 1313/2012 be stayed.”

b. The Tribunal is directed to invest the entire 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. Civil Application (St). No. 4469/2018 preferred by the Respondent/Original Claimant for withdrawal of the amount will be decided on its own merits.

d. Civil Application stands disposed of accordingly.

e. No order as to costs.

(K.K.TATED, J.)