IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
CIVIL APPLICATION NO.1107 OF 2019
in
FIRST APPEAL (St) NO.33652 of 2018

Reliance General Ins.Co Ltd .. Applicant
vs
Vidya Sudhakar Bhambale & ors .. Reepondents

Ms.Poonam Mittal for Applicant

CORAM : K.K.TATED, J
DATE: 25.3.2019

P.C

Heard learned counsel for the applicant.

2. By this Civil Application, the applicant is seeking stay of the operation and implementation of the judgment and award dated 1.8.2017 passed by the MACT Thane in MACP No.265 of 2016 holding that the respondent/claimants are entitled for a compensation of Rs.9,94,100/- with 10 % interest p.a.

3. Learned counsel for the applicant submits that the respondents have filed execution application, in that Executing Court issued attachment warrant. She submits that if the amount is recovered by the respondents in the execution proceedings, then nothing will survive in the present proceedings.

4. Learned counsel for the applicant submits that she has

received instructions from her clients that they are ready and willing to deposit the entire awarded amount with interest in the tribunal within three weeks from today.

5. As there is a delay of more than one year in filing the First Appeal and as the respondents/claimants have also filed execution application, I am of the opinion that the respondent/claimant is required to be permitted to withdraw some amount. Hence following order :

<u>O R D E R</u>

(a) The operation and implementation of the Judgment and award dated 1.8.2017 passed by the MACT, Thane in MACP No.265 of 2016 is stayed during the pendency of the present First Appeal on a condition that the applicant to deposit the entire awarded amount in the tribunal on or before 20.4.2019 failing which the Civil Application shall stand dismissed without reference to the court.

(b) If the amount is deposited within the stipulated time, the respondent/claimants are entitled to withdraw 20% amount each, without furnishing any security, but subject to the outcome of the First Appeal.

(c) The tribunal is directed to invest the remaining amount in the fixed deposit of any nationalised bank initially, for a period of one year and to be continued till further orders.

(d) Civil Application stands disposed of accordingly.

(e) No costs.

{K.K.TATED, J}