

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.1472/2018
in
First Appeal (ST) No. 35114/2017
with
Civil Application No.1475/2018
in
First Appeal (ST) No. 35123/2017
with
Civil Application No.1477/2018
in
First Appeal (ST) No. 35066/2017
with
Civil Application No.1521/2018
in
First Appeal (ST) No. 35110/2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
Mr. A. P. Kulkarni for the Applicant Mr. Shirshak Chavanke for Respondent No.1.	

CORAM : K.K.TATED, J.
DATED : JUNE 28, 2019

P.C.

1 Heard. By these Civil Applications, the Applicant Insurance Co. is seeking stay to the operation and implementation of the impugned judgments and awards dated 03.05.2017 passed by the MACT, Palghar in MACPs holding that the Respondent-Claimants are entitled to compensation

with 7.5% p.a. from the date of petition till realisation.

2 The learned counsel for the Applicant submits that the Respondent-Claimants have filed Execution Application for recovery of the amount. Hence, there is urgency.

3 The learned counsel for the Applicant submits that if the entire amount is recovered by the claimants by filing Execution Application then nothing will survive in the present proceedings. He submits that they have good chance of success in the matter.

4 The learned counsel for the Applicant submits that he received instructions from his client that they are willing to deposit the entire amount with accrued interest in the Tribunal on or before 31.07.2019. The statement is accepted.

5 Considering the submissions made by the learned counsel for the Applicant and as the Applicant is ready and willing to deposit the entire amount, I am satisfied that the Applicant has made out a case for allowing the Civil Application.

6 Hence, following order is passed:

a. The Civil Applications are allowed in terms of prayer clause (a) subject to the Applicant depositing the entire awarded amount along with interest and costs in the Tribunal on or before 31.07.2019, failing which the Civil Application shall stand dismissed without further reference to the court.

b. The Tribunal is directed to invest the award 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 Applications stands disposed of accordingly. No order as to costs.

(K.K.TATED, J.)