



**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

**CIVIL APPLICATION NO. 4059 OF 2014
IN
FIRST APPEAL NO. 1376 OF 2014**

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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Mr. Sandeep S. Jinsiwale for the applicant.

**CORAM : K. K. TATED, J.
DATED : 05/01/2016**

PC.:

. Heard learned Counsel for the applicant.

2 This application is preferred by Insurance Company for stay of operation and implementation of the Judgment and Award dated 12.02.2014 passed by M.A.C.T., Gadhinglaj in M.A.C.P No. 58 of 2009 holding that Respondents claimants are entitled to compensation of Rs.3,49,000/- with 8% interest per annum from the date of filing of petition till realisation of the entire amount.

3 The learned counsel for the Applicant submits that Motor Accident Claim Petition stands dismissed against owner of the vehicle for non prosecution. He submits that if the claim petition dismissed against the owner of the vehicle, there is no question of passing any award against the Insurance Company. These facts are not considered by the Tribunal at the time of passing the impugned Judgment and Award dated dated 12.02.2014. He submits that applicants



have good chance of success in the present proceedings. He submits that if stay is not granted, irreparable loss and injury will be caused to the applicant. He submits that in the interest of justice this Hon'ble Court be pleased to stay the operation and implementation of impugned award till the hearing and final disposal of the First Appeal.

4 Considering the submissions made by learned counsel for the applicant and averments made in civil application, I am satisfied that applicant has made out the case for following.

- a) Rule.
- b) Rule made returnable after 8 weeks.
- c) Ad-interim relief in terms of prayer clause (b) till next date, which reads thus:

“b) Pending the hearing and final disposal of the present Appeal this Hon'ble Court be pleased to stay the operation, execution, implementation, effect and further proceedings pursuant to the impugned Judgment and Award dated 12th February 2014, passed by the Learned Member of M.A.C.T., Gadhinglaj Dist. Kolhapur in M.A.C.P. No. 58 of 2009.”

- c) In addition to usual mode of service, applicant is permitted to serve respondents by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

(K.K.TATED, J.)