

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

**CIVIL APPLICATION NO. 1972 OF 2015  
IN  
FIRST APPEAL (ST.) NO. 3171 OF 2015**

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| 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. D.S. Joshi for the applicant.

Mr. S.G. Thorat for the respondents.

**CORAM : K. K. TATED, J.**

**DATED : 08/06/2015.**

**P.C.:**

. Not on board. At the request of Advocate for the applicant, matter is taken on board for urgent orders.

2 This application is preferred by insurance company for stay of operation and implementation of impugned Judgment and Award dated 15.07.2014 passed by the the Motor Accident Claims Tribunal, Gadhinglaj in M.A.C. No. 5 of 2013.

3 The learned Counsel for the applicant submits that in the present First Appeal they are restricted their claim to the tune of Rs.15,13,428/- with interest thereon. He further submits that the respondents claimants filed execution application for recovery of the entire awarded amount. He submits

that if entire awarded amount is recovered by the respondents claimants in execution application, then nothing will survive in the present proceeding. He submits that they have good chance of success in the present proceeding.

4 The learned Counsel for the applicant submits that he received instructions from the applicant to make a statement that they are ready and willing to deposit the entire awarded amount in the Tribunal within six weeks from today. Statement is accepted.

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

6 Hence, the following order.

a) The operation and implementation of Judgment and Award dated 15.07.2014 passed by the the Motor Accident Claims Tribunal, Gadhinglaj in M.A.C. No. 5 of 2013 to the extent of Rs.15,13,428/- with interest thereon, is stayed on condition that applicant to deposit entire awarded amount with interest and costs, if any, in the Tribunal within six weeks from today.

b) If amount is not deposited within stipulated time as stated herein above, the Civil

Application shall stand dismissed without referring back to the court.

c) If amount is deposited within stipulated time as stated herein above, the Tribunal is directed to invest the sum of Rs. 20,00,000/- each in the name of both the claimants i.e. Tatya Narayan Ligade and Sou. Pushpa Tatya Ligade in the fixed deposit of any nationalised bank for the period of three years.

d) The respondents claimants i.e. Tatya Narayan Ligade and Sou. Pushpa Tatya Ligade are entitled to withdraw the remaining amount without furnishing any security in equal proportion.

e) The respondents claimants are also entitled to withdraw quarterly interest on fixed deposits without furnishing any security.

f) Liberty granted to the respondents claimants to prefer appropriate application, if they so desire, for withdrawal of the further amount and that application will be decided on its own merits.

g) Civil Application is disposed of accordingly.

**(K.K.TATED, J.)**