

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

**CIVIL APPLICATION NO. 1502 OF 2015
IN
FIRST APPEAL (ST.) NO. 5233 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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Mr. H. G. Misar for the applicant.

**CORAM : K. K. TATED, J.
DATED : 18/04/2015.**

PC.:

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

2 The learned Counsel for the applicant submits that the respondent claimants filed execution application for recovery of awarded amount. The next date in the said proceeding is 30.04.2015. Hence, there is a urgency.

3 This application is preferred by insurance company for stay of operation and implementation of the Judgment and Award dated 16.09.2014 passed by the Motor Accident Claims Tribunal, Sangli in M.A.C.P. No. 270 of 2011 by which the Tribunal held that respondent claimant is entitled to compensation of Rs.80,250/- with 6% interest per annum.

4 The learned Counsel for the applicant submits

that the claimant was pillion rider. Hence, claimant is not entitled for any compensation. He submits that these facts are not considered by the Tribunal while passing the impugned award. He submits that they have good chance of success in the present matter. He submits that if entire amount is withdrawn by the claimant in execution application, nothing will survive in the present proceeding.

5 The learned Counsel for the applicant submits that he received instructions from the applicant insurance company that they are ready and willing to deposit entire awarded amount within four weeks from today before the Tribunal. Statement is accepted.

6 Considering the submissions made by learned counsel for the applicant, averments made in civil application and as applicant is ready and willing to deposit entire awarded amount before the Tribunal I am satisfied that applicant has made out the case for allowing the civil application.

7 As this Civil Application is decided without issuing notice to the respondent claimant, liberty granted her to take out appropriate application, if she so desire, for withdrawal of the amount and that application will be decided on its own merits.

8 Hence, the following order.

ORDER

a) The operation and implementation of Judgment and Award dated 16.09.2014 passed by

the the Motor Accident Claims Tribunal, Sangli in M.A.C.P No. 270 of 2011, is stayed on condition that applicant to deposit entire awarded amount alongwith interest and cost in the Tribunal within four weeks from today, failing which civil application shall stand dismissed without referring back to the court .

b) If amount is not deposited within stipulated time as stated herein above, liberty granted to the applicant claimant to proceed with the execution application according to law for recovery of awarded amount.

c) If amount is deposited within stipulated time as stated herein above, liberty granted to the claimant to take out appropriate application, if she so desire, for withdrawal of the amount and that application will be decided on its own merits.

d) If amount is deposited within stipulated time as stated herein above, the Tribunal is directed to invest the said amount in Fixed deposits of any Nationalised Bank, initially for the period of one year and same to be continued till hearing and final disposal of the First Appeal.

e) Civil Application is disposed of accordingly.

(K.K.TATED, J.)